

BULLETIN

Labor Legislation

OF THE

Forty-Eighth General Assembly

OF THE

STATE OF ILLINOIS



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The State Board of Commissioners of Labor

P. H. HART, Secretary

Springfield



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STATE OF ILLINOIS
OFFICE OF THE BUREAU OF LABOR STATISTICS
SPRINGFIELD, October 1, 1913

Honorable Edward F. Dunne, Governor of Illinois.

SIR: I have the honor, on behalf of the Board of Commissioners of Labor, to submit herewith the labor legislation of the Forty-eighth General Assembly of the State of Illinois.

Very respectfully,

PATRICK H. HART, *Secretary*

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LABOR LEGISLATION OF THE FORTY-EIGHTH GENERAL ASSEMBLY

This report shows all laws directly affecting labor enacted at the last session of the Legislature. The number of laws passed by the Assembly is large enough to merit very favorable commendation on the part of all workers, and as all honest citizens are either manual or intellectual workers, their commendation of those worthy of it will have potent influence on future legislation relating to labor. There must also be taken into consideration the fact that a deadlock existed for some period of time over the election of United States Senators; as two had to be elected under the old method of election by the General Assembly; and which will not happen again owing to the change made in the United States Constitution wherein it specifies that they shall be elected by a direct vote of the people.

Having cleared this obstacle from the pathway, the Forty-eighth General Assembly proceeded rapidly to enact more labor legislation than any previous Assembly and accomplished this by well directed effort and hard work. The true friends of labor who appeared before the different committees of the Assembly were impressed with the activity shown in their behalf by the members of the Forty-eighth General Assembly and were cheered with the thought that any meritorious measure passed in their behalf, which would remedy any adverse condition under which they labored, would receive prompt approval at the hands of the Chief Executive, as he has always been found in the front rank of those who advocate progressive legislation.

This assurance naturally encouraged the friends of labor to redouble their activities in presenting petitions to the Legislature for the amelioration of their different adverse conditions. There were a few of the bills presented that received adverse action; which will be passed in the future when the Assembly has had time to contemplate their possibilities and when the Assembly may revise their opinions relative to constitutional objections regarding them.

Among the more important laws passed by the last Assembly was House Bill No. 841 which entirely changed the Workmen's Compensation Law passed by the Forty-seventh General Assembly.

HOUSE BILL No. 841

In its revised form it contains many changes for betterment along with the provision creating an industrial board of three members who are to be appointed by the Governor with the advice and consent of the Senate.

The duties of this board will be to administer and enforce the provisions of the Act and they are supreme in these powers and only charges of fraud or questions of abstract law can be reviewed by the Supreme Court.

The powers thus conferred mark very important changes for the efficiency of administration as under the old Act petitions had to be presented to the courts for appointment of arbitrators to decide disputes under awards, etc.

Under the new Act these methods of procedure will be eliminated as the board is clothed with powers sufficient to eliminate the necessity for them and consequently it simplifies the process of this law.

The board may require the necessary legal evidence of financial competency on the part of the employer who elects to operate under the new Act that will forestall in some cases, any action on the part of the employer to go into bankruptcy to evade the liability contracted through such election.

There was considerable contention engendered relative to disfigurement under the provisions of the old Act and great uncertainty as to the proper amount of compensation to be paid in cases of that character which permanently impaired the earning power of the worker, but a classified schedule of indemnities is provided in the new Act.

While these specified indemnities may not appear adequate in many cases owing to the differences that exist in the earning power of workmen, yet it serves as a basis to work from and can be changed as experience demonstrates the various changes necessary. It also expedites settlement of claims of that character and this in itself is a very commendable feature.

The Act extends the provisions relating to the term "employer" and "employee" as it allows employers; not specified in the extra hazardous class; to elect to accept the provisions of the law.

The maximum and minimum amounts for fatal and non-fatal accidents remain as before, *i. e.* \$3,500 and \$1,500 for fatal; and \$12 and \$5 per week for non-fatal accidents.

Three members constitute the board, not more than two of one political party; term six years after the first one is appointed. One member shall be a representative citizen from the employer class operating under the Act, one from the employees operating under the Act and one not identified with either class, this one to be chairman of the board. Salary \$4,000 per annum in each case.

Like all legislation of similar nature there naturally exists suspicion as to its benefits in the minds of many, as the average human being must always be convinced of the usefulness of any new idea, especially when that idea disturbs the existing order of law or finance, but as all progress must have a basic point, we feel that the Workmen's Compensation Law as passed by the Forty-eighth General Assembly is a step forward toward the protection of the workers against adversity caused by the hazards incident to their employment.

The spirit of the present time is one of rapid progress, and as we have had an immigration of approximately 1,000,000 people a year for the last ten years from countries where state insurance of the worker is an accepted condition, it naturally follows that the compensation

laws of this country in the near future will become more and more identified with the idea of national insurance.

SENATE BILL No. 133

This bill was strongly advocated by all the representatives of organized labor but especially so by the railroad brotherhoods, as the coal mining industry and building trades generally have semi-monthly pay days and in some cases in the building trades, weekly pay days. The railroads objected on the plea of added expense in making pay rolls, etc., but a statement was presented by the committee representing the railroad employees that the annual interest on deferred wages amounted to \$8,000,000 annually, and the railroad managers did not refute this statement.

The Wabash and Baltimore & Ohio Railways have shown advanced ideas in regard to semi-monthly pay days as they announced their policy to be two-week pays all over their systems regardless of the laws on the subject in the various states in which they operate.

The Electric Headlight Bill was also passed but the Full Crew Law fell by the wayside to help along the semi-monthly pay day.

HOUSE BILL No. 102

House Bill No. 102, which provides for wage loan associations and limits the earnings on the capital stock of same to 6 per cent annually provides that money may be loaned at a maximum rate of 3 per cent per month or 36 per cent per annum, secured by assignment of wages and was a step toward the elimination of the loan sharks, whose disreputable practices have received the greatest condemnation.

This law is some relief, but coupled with the semi-monthly pay day will help the social condition of the worker, but until a weekly pay day is established and the newspapers cease to accept loan shark advertisements, it is but one of the steps of the ladder of social reform.

HOUSE BILL No. 348

Some years ago the Legislature passed a law demanding that coal operators and owners provide wash houses for the use of their employees, but the Supreme Court held it invalid for the reason that it specified but one class of employees. The present Act meets with those objections as it applies to all workers whose employment make such facilities necessary to the general health, comfort and safety, and it was advocated strongly by all the representatives of labor but especially so by the original sponsors of the first law—the United Mine Workers—who also secured the passage of House Bill No. 332, which is known as the Miners' Qualification Act.

This Act provides for a commission of three miners appointed by the Governor whose duties are: to meet at proper places in various parts of the State and examine applicants for certificates as practical miners and all fees for certificates to be deposited with the State Treasurer. This commission displaces all the county mine examining boards pro-

vided for in the Act of 1908 and who were appointed by the county judge and whose salaries and per diem were paid by the miners seeking certificates in each county.

This law proved inadequate, as the miners' organization assumed the expenses of many county boards, owing to the fact that many county boards were not self-sustaining.

HOUSE BILL No. 324

In connection with this old law, a bill, House Bill No. 324, was passed, appropriating the sum of \$3,355.14 to District No. 12, United Mine Workers of America, reimbursing them for the amounts advanced to the county boards.

HOUSE BILL No. 309

Creating the office of inspector of oil and gas wells, was vetoed by the Governor on the advice of the Attorney General, owing to the fact that it was defective in form, but House Bills 704-5-6-7-8-10, which were the work of the Mining Investigation Commission, were passed and approved.

The changes made are important in many respects, as the provisions relating to cross-cuts, and hour of examining mine, etc.

SENATE BILL No. 165

Section 1 creating free employment offices in cities having 50,000 or more population was amended by making same read, "contiguous cities whose aggregate or total population equals 50,000 or more" may take advantage of the law.

The city of Rockford, having established the fact of a population of 50,000 or more, an office was created there and appropriation made for same, but through some oversight the twin cities of Rock Island and Moline were not provided for in the general appropriation, but the citizens of those cities established the fact of having the necessary population and the Governor appointed the superintendent of that free employment office, whose salary will be allowed by the statute. The necessary amount required to establish the office pay, rent, etc., and maintain this office until relief is furnished by the next Assembly, was advanced by the new superintendent and his friends and was established in Rock Island owing to its central location between Moline and Davenport, Iowa, just across the Mississippi River, a city of over 50,000 people. Taking Rock Island as the center this office will serve at least 125,000 people within one hour's ride and the Rockford office is the center of at least 80,000.

These two offices now make the number of eight free employment offices in this State: three in Chicago, one each in Peoria, East St. Louis, Springfield, Rockford and Rock Island-Moline.

SENATE BILL No. 207

This bill provides that the members of fire departments in cities and villages shall not be compelled to work more than ten hours in the day or fourteen hours in the night time. Its operation depends on a referendum vote of the cities adopting it. There is no provision made for penalty for violation so that it can be counted as a basis for future legislation of this character which establishes further powers of the State to prescribe a limit to the hours of human labor.

This law was advocated strongly by the committee from the Chicago Fire Department especially, but also received the endorsement of the other members of the labor bodies.

There were other measures passed which received the endorsement of the members of organized labor who worked together without friction and, as before stated, the Forty-eighth General Assembly gave great attention to labor legislation which was promptly signed by Governor Dunne.

We therefore respectfully submit this pamphlet and add that these new laws as shown here, along with such amendments to old laws as were passed, will appear in the Revised Labor Code of Illinois to July 1, 1913, prepared by this bureau.

Respectfully,

PATRICK H. HART, *Secretary*

CHAUFFEURS—PROTECTION FROM DUST, WIND, ETC.

AN ACT to protect chauffeurs in their employment from dust, wind and inclement weather. Approved June 27, 1913, in force July 1, 1913.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every person or corporation owning, operating or controlling automobiles or auto trucks used for the delivery of merchandise, produce or freight, shall keep upon the front of the said automobiles or auto trucks a shield and hood as an inclosure to protect chauffeurs from wind, dust and inclement weather.

§ 2. Every person or corporation owning, operating or controlling an automobile or auto truck who shall neglect or refuse to comply with the provisions of section 1 of this Act upon conviction shall be fined not less than ten dollars nor more than fifty dollars for each and every day and for each and every automobile or auto truck used and operated in violation of section 1 of this Act.

 CONVICT LABOR ON PUBLIC ROADS, ETC.

§ 1. Employment of convicts or prisoners on public roads, etc.—Application of commissioners of highways, etc.

§ 2. Expenses for guarding convicts while working.

(SENATE BILL NO. 539. APPROVED JUNE 28, 1913.)

AN ACT entitled, “An Act to authorize the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois in the preparation of road building materials and in working on the public roads.”

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commissioners of the Northern Illinois Penitentiary, commissioners of the Southern Illinois Penitentiary and the board of managers of the Pontiac Reformatory of the State of Illinois are hereby authorized and empowered to employ convicts and prisoners in the penal and reformatory institutions of this State who are sentenced for terms of not more than five years, or who have not more than five years to serve to complete their sentence in working on the public roads or in crushing stones or preparing other road building materials at points outside the walls of the penal or reformatory institutions. Upon the written request of the commissioners of highways of any township in counties under township organization or the commissioners of highways or boards of county commissioners in counties not under township organization, said penitentiary commissioners, and board of managers of the Pontiac Reformatory shall detail such convicts or prisoners as in its judgment shall seem proper not exceeding

the number specified in said written request, for employment on the public roads or in the preparation of road building materials, in the township, road district or county requesting the same on such terms and conditions as may be prescribed by the said penitentiary commissioners or the board of managers of the Pontiac Reformatory.

§ 2. The commissioners of highways or boards of county commissioners, as the case may be, shall pay all additional expenses for guarding such convicts while working on the public roads or in the preparation of road building materials outside the walls of the penal or reformatory institutions, in their respective townships, road districts or counties.

APPROVED June 28, 1913.

EXPLOSIVES IN COAL MINES

AN ACT *to promote the safety of persons and property in coal mines by regulating the character of permissible explosives sold to be used in coal mines.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all permissible explosives for use in blasting coal in the State of Illinois shall conform to the following specifications:

(a) All permissible explosives offered for sale in the State of Illinois shall have printed on each cartridge and individual package the name of the manufacturer, the registered trade mark, brand, grade and a statement that it conforms in strength to that grade and brand established by the United States Bureau of Mines.

(b) Each shipping case shall have marked on it the total weight of explosives contained therein, and the average weight, length and diameter of each stick contained therein.

(c) Each shipping case containing permissible explosives shall be marked "Permissible Explosives."

(d) Each ingredient of a permissible explosive shall not vary more than the permitted variation established by the United States Bureau of Mines.

§ 2. State mine inspectors, county mine inspectors, and the accredited representatives of the coal operators and coal miners shall have authority to sample permissible explosives used for blasting purposes in coal mines in the State of Illinois, or kept on hand for sale, or intended for shipment for use in such mines, and for such purposes, they may enter upon the premises of any person, firm or corporation.

§ 3. If the State mine inspectors, county mine inspectors, or the accredited representatives of the coal operators or coal miners shall desire to have said sample tested for content, they shall send the same to the United States Bureau of Mines for that purpose.

§ 4. When such samples are intended to be tested for content, they must be taken at the mill or warehouse of the manufacturer or manufacturer's agent, or in the railroad car for shipment at said mill or warehouse or the magazine at the mine, and said samples shall be taken in accordance with the rules established by the United States Bureau of Mines.

§ 5. If samples of permissible explosives when tested as provided for in this Act shall be found not to comply with the provisions herein, the person, firm or corporation guilty of violating the provisions of this Act shall be prosecuted in accordance with the provisions hereof.

§ 6. Permissible explosives shall be stored in magazines constructed in accordance with plans that shall be approved by the State Mine Inspector of the district in which the mine is located.

§ 7. Every magazine shall be provided with a wooden floor which shall be kept free from grit and dirt. If more than one kind of explosive is kept in the same magazine, the magazine shall be divided into rooms by partitions; the different kinds of explosives shall be kept in different rooms, but no detonaters, or blasting caps, or any device containing fulminating composition shall be kept in the same magazine with any explosive. All detonaters, blasting caps or any device containing fulminating composition shall be kept separate in a safe and dry receptacle apart from any other explosive.

§ 8. Any person, firm or corporation changing any stamp, brand, or specification denoting the contents of any package or cartridge shall be subject to the penalties provided for herein.

§ 9. Any person, firm or corporation who shall sell for use in the coal mines in this State any permissible explosive not stamped as herein required, or who shall knowingly sell for use in coal mines in this State any permissible explosive which is untruthfully branded or stamped, and any person, firm or corporation being a manufacturer of permissible explosives, or the agent of any such manufacturer of permissible explosives, who shall sell for use in any coal mine in this State any permissible explosive which shall not conform to the requirements of this Act, shall be punishable by a fine of not exceeding one hundred dollars (\$100) or by imprisonment in the county jail for not exceeding ninety (90) days, or both, in the discretion of the court: *Provided*, that nothing in this Act shall be construed to apply to permissible explosives shipped prior to this Act taking effect.

APPROVED June 26, 1913.

FIRE DEPARTMENTS—HOURS OF EMPLOYEES

AN ACT *to regulate the hours of labor of employees in the fire department in cities and villages.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities and villages which shall adopt this Act as herein provided for no employee of the fire department shall be compelled to be on duty more than ten consecutive hours during the day time, nor more than fourteen consecutive hours during the night time.

The head or chief officer of such department shall so arrange the working hours of the employees of such department so that each employee shall work, as near as may be, an equal number of hours per month: *Provided, however*, that the head or chief officer of such department, his

aids or assistants, may, in their discretion, in cases of great emergency or necessity, require such employees to continue at their work or duties until, in the judgment of such head or chief of the department, his aids or assistants, the work or services of such employees is no longer required.

§ 2. The electors of any city or village may adopt the provisions of this Act in the following manner: Whenever the legal voters in any city or village equal in number to five (5) per cent of the legal votes cast at the last preceding general city or village election shall petition the city or village clerk, or the officer or officers whose duty it is to prepare the ballots, to submit the proposition as to whether such city or village shall adopt the provisions of this Act, then it shall be the duty of such officer or officers to submit such proposition accordingly at the next succeeding regular election, and if such proposition be not adopted at such election the same may, in like manner, be submitted at any regular election thereafter.

The proposition so to be voted for shall be prepared and provided for in a separate and distinct ballot and in substantially the following form:

| | | |
|---|-----|--|
| For the adoption of the provisions of an Act to regulate the working hours of employees in the fire department. | Yes | |
| | No | |

If a majority of those electors in said city or village voting thereon shall vote for the adoption of this Act, it shall thereby and thereupon be adopted by and be in force in such city and village.

APPROVED June 26, 1913.

FIRE FIGHTING EQUIPMENT IN COAL MINES—ACT OF 1910 AMENDED
AN ACT to amend sections 2 and 6 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved and in force March 8, 1910, as amended by Act approved and in force June 7, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2 and 6 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved and in force March 8, 1910, as amended by Act approved and in force June 7, 1911, be and the same are hereby amended so as to read as follows:

§ 2. (a) There shall be provided a supply of water for fighting fire underground which shall have a head from a standing body in a pipe, tank or pond.

(b) Such water supply shall be conducted into the mine in an iron or steel pipe or pipes not less than two inches in diameter, which shall have not less than two hose connections at the bottom of the

hoisting shaft, and two hose connections at the bottom of the air and escapement shaft designated as such under the law, and two hose connections in each stable which is located less than five hundred (500) feet from the bottom of either of said shafts; and their shall be iron or steel pipes not less than two inches in diameter in the entries and passageways leading from the bottom of each of said shafts to such extent and in such position that with one (1) fifty foot length of hose the water may be carried into all such entries and passageways within three hundred (300) feet from the bottom of each of said shafts and into the corresponding area in slope and drift mines, such area to be designated in this Act as the fire protected area.

(c) *Provided*, that in mines having one hundred and twenty-five (125) feet or less head at the bottom of the incoming supply pipe, the incoming pipes and the pipes having hose connections shall be not less than three (3) inches in diameter. The pipes in the mine shall have hose connections not more than fifty (50) feet apart beginning at the bottom of the incoming supply pipe or pipes.

(d) There shall be kept constantly on hand at the bottom of each shaft where hose connections are required, in condition for immediate use, not less than two (2) fifty (50) foot lengths of one and one-half ($1\frac{1}{2}$) inch inside diameter linen hose or rubber-lined cotton hose, which shall have been tested to a pressure of two hundred (200) pounds to the square inch; all of such hose and the connections therefor on the supply pipes shall have American standard iron pipe threads. The nozzles on such hose shall be not less than three-eighths ($\frac{3}{8}$) nor more than five-eighths ($\frac{5}{8}$) inch in diameter.

(e) Where any part of any passageway or other excavation within one hundred and fifty (150) feet of the bottom of the hoisting shaft or the air and escapement shaft designated as such under the law, and in the corresponding area in slope or drift mines, is timbered, with cribbing or more than one layer of lagging not including caps or wedges, above the cross bars, there shall be two lines of automatic sprinklers on the under side of such timbering, attached to not less than one and one-half ($1\frac{1}{2}$) inch pipes connected with the fire fighting water supply, and such sprinklers shall not be more than ten (10) feet apart.

(f) In cribbing or lagging as last aforesaid, which is more than three (3) feet in vertical thickness, there shall be also, as near the top thereof as is practicable, automatic sprinklers connected with the water supply as last aforesaid and there shall be one such sprinkler for each eight (8) feet square of horizontal area of such cribbing or lagging.

(g) In every underground stable, located within one thousand (1,000) feet of the hoisting shaft or the air and escapement shaft designated as such under the law, there shall be not less than one (1) automatic water sprinkler for each area eight (8) feet square in said stable; such automatic sprinklers shall be connected with iron or steel pipes not less than one and one-half ($1\frac{1}{2}$) inches in diameter along the roof or ceiling in the stable, which shall be connected with the fire fighting water supply.

(h) All automatic sprinklers shall be of the fusible plug type and shall not require a temperature of more than one hundred and sixty-five (165) degrees Fahrenheit to release the water.

(i) In all underground stables other than those heretofore in this Act referred to, there shall be kept barrels full of water and two metal pails with each barrel. Such barrels shall be not more than fifty (50) feet apart, and there shall be not less than two (2) barrels full of water and two (2) metal pails with each barrel in each entry or passageway into which such stable opens and not more than fifty (50) feet from the opening of the stable.

(j) There shall also be one (1) not less than three (3) gallons chemical fire extinguishers and two (2) not less than six (6) gallon hand-pump buckets in each stable and in every entry or passageway into which such stable opens not more than fifty (50) feet from the opening of such stable: *Provided*, that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required. Such chemical fire extinguishers and hand-pump buckets shall be kept filled and ready for use.

(k) *Provided, however*, that in coal mines in which less than ten (10) men are employed, in which there are no stables, in lieu of said water supply with pipes and hose, there may be substituted the following: There shall be kept within the fire protected area in each such mine, barrels full of water not more than fifty (50) feet apart, and with each barrel there shall be two metal buckets; and there shall also be kept within said area not less than six (6) hand-pump buckets of not less than six (6) gallons capacity, and said buckets shall be kept filled and ready for use.

(l) A barrel within the meaning of this Act shall be any substantial vessel holding not less than fifty (50) gallons.

(m) All mines shall have at least one, not less than three (3) gallon chemical fire extinguisher, and one not less than six (6) gallon hand-pump bucket, including those hereinbefore in this Act required, for each fifty (50) employees in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, kept at convenient places designated by the mine manager throughout the mine, and three (3) fire extinguishers of three (3) gallons each in each building located within one hundred (100) feet of any shaft, drift or slope, and such extinguishers shall be recharged once every six months and a record made of the date of recharging in the mine examiner's report book: *Provided*, this does not apply to buildings constructed of fire-proof material. Such extinguishers and buckets shall be kept filled and ready for use: *Provided*, that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required.

(Section 2 amended and approved June 7, 1911.)

§ 6. The following requirements also shall apply to all coal mines developed within the State of Illinois after the passage of this Act: "*Provided*, that paragraphs (a) and (b) shall not apply to mines where ten (10) men or less are employed."

(a) The hoisting shaft and the air and escapement shaft designated as such under the law in shaft mines and the air and escapement shaft nearest the main opening in slope or drift mines, shall be of fire-proof construction, except that cage guides may be wood. All drifts and slopes that are opened after the passage of this Act must be of fireproof

construction for a distance of three hundred (300) feet from the entrance: *Provided*, that this section shall not apply to shafts in actual course of construction at the time this Act takes effect.

(b) The roof and walls of the passageways leading from the bottom of the hoisting shaft and the air and escapement shaft designated as such under the law, within a distance of three hundred (300) feet from the bottom of either of said shafts, shall be of fireproof construction, except that the coal rib or pillar may be used as a wall in such passageways.

(c) All underground stables and the openings therein shall be of fireproof construction.

Stables in mines opened after the passage of this Act shall not be located between the main and escapement shaft, or in direct line on the ventilating current or on passageways leading to the escapement shaft or shafts.

(d) At mines constructed in conformity with the requirements of this section of this Act, the fire fighting equipment described in section 2, and the fire drill described in section 5 of this Act shall not be required, except that there shall be kept at convenient places designated by the mine manager, throughout each mine, one not less than three (3) gallons chemical fire extinguisher and one not less than six (6) gallon hand-pump bucket, for each fifty (50) employees in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, and such extinguishers and buckets shall be kept filled and ready for use: *Provided*, that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required.

APPROVED June 26, 1913. .

FIRE FIGHTING AND RESCUE STATIONS

(Act of 1910 amended.)

AN ACT to amend sections 5, 6, 8 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois mine fire fighting and rescue stations," approved March 4, 1910, in force July 1, 1910, title as amended by Act approved June 5, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 5, 6, 8 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois mine fire fighting and rescue stations," approved March 4, 1910, in force July 1, 1910, title as amended by Act approved June 5, 1911, in force July 1, 1911, be and the same are amended to read as follows:

§ 5. The said commission shall appoint as manager of three stations and of their work, a man experienced in mining and mine engineering. The manager shall, with the advice and consent of the said commission, appoint for each station a superintendent and an assistant. Each appointee shall serve for a term of two years and until his successor is appointed and qualified, unless sooner discharged by the said commission. Each appointee before entering upon the duties of his office shall take and subscribe to the oath of office as provided by law. The

manager shall, with the advice and consent of the commission, have authority to pay for such assistants as may be needed in giving instruction in first aid to the injured and similar technical subjects, and such other assistants and porters as may be needed from time to time to properly carry on the work of said rescue stations and such rescue cars as may be installed in connection with said stations, but not more than two extra assistants and one porter shall be employed for each rescue car.

§ 6. The manager shall receive two hundred and fifty dollars per month; each station superintendent, one hundred and twenty-five dollars per month; and each station assistant, one hundred dollars per month; and each appointee shall receive his necessary and actual expenses.

§ 8. Whenever the manager or the superintendent of any station shall be notified by any responsible person that an explosion or accident requiring his services has occurred at any mine in the State, he shall proceed immediately with suitable equipment and on arrival at the said mine shall superintend the work of the rescue corps in saving life and property; and he shall co-operate with the State Mine Inspector and the management of the mine in rescue work to such extent as is necessary for the protection of human life in the mine, during such time as members of the rescue corps are under ground and while there is reasonable expectation that men entombed in the mine may be alive.

§ 9. The commission shall prepare a biennial report to the Governor and the General Assembly with necessary illustrations showing the work performed and money expended by the mine rescue service; and the State Board of Contracts is hereby directed to print and bind said reports promptly, and to provide all necessary printing for the mine rescue commission out of the appropriations for such board of contracts. The Secretary of State shall assign to the use of the commission suitably furnished rooms in the State House, and shall also furnish whatever blanks, blank books, printing, stationery, instruments and supplies the commission may require in the discharge of its duties and for use of its employees.

APPROVED June 27, 1913.

FREE EMPLOYMENT OFFICES AND AGENCIES—LOCATION

AN ACT to amend section 1 of an Act entitled, "An Act relating to employment offices and agencies," approved and in force May 11, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act relating to employment offices and agencies," approved and in force May 11, 1903, be amended to read as follows:

§ 1. That free employment offices are hereby created as follows: One in each city of not less than fifty thousand population, one in two or more contiguous cities or towns having an aggregate or combined population of not less than fifty thousand population, and three in each city containing a population of one million or over, for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. Such offices shall be designated and known as Illinois Free Employment Offices.

APPROVED June 21, 1913.

HEADLIGHTS ON LOCOMOTIVE ENGINES

AN ACT *in relation to the equipment of locomotive engines with headlights and providing penalty for violation of same.*

(SENATE BILL NO. 473. APPROVED JUNE 26, 1913.)

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all common carriers by railroad, operating or doing business in this State, shall be required to equip and maintain and use on all locomotive engines used by them in passenger service, (except suburban passenger service) a headlight of sufficient candle power, measured with the aid of a reflector, to throw a light in clear weather that will enable the operator of same to plainly discern an object the size of a man, upon the track, at a distance of 800 feet from the headlight; and upon all locomotive engines used by them in freight service, exclusive of engines in switching, and transfer service, with a headlight of sufficient candle power, measured with the aid of a reflector to throw a light in clear weather that will enable the operator, of same, to plainly discern an object the size of a man upon the track, at a distance of 450 feet from the headlight; and upon all engines used by them in switching, transfer, and suburban passenger service, with a headlight of sufficient candle power, measured with the aid of a reflector, to throw a light, in clear weather that will enable the operator to plainly discern an object the size of a man upon the track, at a distance of 250 feet from the headlight: *Provided*, this Act shall not apply to any locomotive engines running between sun up and sundown, or to any locomotive engine, the equipment of which has failed during the trip, providing it is shown that the equipment was in efficient and effective working condition when the trip was begun.

§ 2. That any common carrier by railroad violating any of the provisions of this Act, shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500) for each offense.

APPROVED June 26, 1913.

INDUSTRIAL BOARD—COMPENSATION FOR ACCIDENTAL INJURIES OR DEATH OF EMPLOYEES

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| <p>1. Any employer may elect to provide and pay compensation for accidental injuries or death of employees.</p> <p>(a) Employer accepting Act to file notice with Industrial Board.</p> <p>(b) Bound as to all employees to January 1, next succeeding year, and for years thereafter—employer may elect not to pay compensation—notice to be filed with board sixty days prior to end of any calendar year—same notice to be posted at plant, shop, or working place of employee.</p> <p>(c) Employer electing to accept provisions of Act—all employees bound thereby—notice to contrary to be filed within thirty days—employees may withdraw by filing notice ten days prior to January 1st of any year.</p> <p>(d) Employer or employee may withdraw rejections by giving thirty days' notice.</p> | <p>§ 2. Every employer whose business comes under Act bound by its provisions unless notice to contrary is filed and copy of said notice furnished to employees.</p> <p>§ 3. (a) Employer rejecting Act liable in action for damages—certain defenses abrogated.</p> <p>(d) Business enterprises Act enumerated.</p> <p>§ 4. Term "employer" defined—liability.</p> <p>§ 5. Term "employee" defined.</p> <p>§ 6. Employee under Act, dependent, or legal representative, denied right to recover except under Act.</p> <p>§ 7. (a) Compensation for injury resulting in death—payable to widow or children—how computed—minimum and maximum amounts.</p> <p>(b) Compensation not payable under paragraph (a)—to whom payable defined.</p> |
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INDUSTRIAL BOARD—*Continued*

- (c) Compensation not payable under paragraphs (a) and (b)—to whom payable defined.
 - (d) Compensation not payable under paragraphs (a) or (b) or (c)—burial expenses paid.
 - (e) All compensation, in case of death, paid in installments, same as wages, were paid—exceptions.
 - (f) Compensation to be paid in case of death, at option of employer—to whom paid—how distributed to beneficiaries or heirs.
- § 8. Compensation to employee for non-fatal injury.
- (a) Employer to provide first aid medical and hospital services—employee may elect to provide same.
 - (b) If incapacity for work exceeds six working days compensation to be paid, beginning on eighth day, and continued—stipulations.
 - (c) Permanent disfigurements mentioned—compensation fixed by agreement or arbitration—provision as to payments.
 - (d) Partial permanent disability—compensation to be paid—limitations to time and amounts provided—employees returning to previous place no bar to claiming compensation—notice required.
 - (e) Employee to receive additional compensation for temporary total incapacity—injuries enumerated—compensation specified for classified injuries—permanent disabilities defined, others not excluded.
 - (f) Cases of complete disability—compensation, amount of specified—when paid—limitation of total amount—life pension provision—amount of—how paid.
 - (g) Should death occur from injury before maximum amount is paid—employer to pay difference to heirs—not less than \$500.
 - (h) Compensation limited—complete disability excepted—conservator appointed for incompetent employee injured.
 - (i) All compensation payable same intervals as wages—exception.
- § 9. Employer or employee may petition board at any time for lump sum payment of compensation—interested parties to appear before board—if best interest conserved board will order compensation—in cases of complete disability board will not consider petition until six months after accident—where necessary, guardian, conservator or administrator appointed or proper application—employer may petition for appointment of public administrator, conservator or guardian—when—if lump sum awarded is unsatisfactory to either party, written objection to be filed within ten days—compensation then payable as provided.
- § 10. Basis for computing compensation named in sections 7 and 8.
- (a) Earnings under same employer continuously for preceding year, basis of compensation.
 - (b) Meaning of “same employer”—grade of work at time of accident—no absence for work—causes.
 - (c) Employment not continuous for full year with same employer—how compensation computed.
 - (d) Employee not regularly employed—computation.
- (e) Employments operating only parts of year—how earnings of employees may be computed.
 - (f) Employee earning no wages or less than day laborers, same employment—yearly wages—how computed.
 - (g) Earnings based on hours comprising prevailing days’ work—extra earnings excluded.
 - (h) Employee receiving compensation—again injured—subsequent compensation how apportioned.
 - (i) Compensation by installment periods—how determined.
- § 11. Employer’s responsibility for injury or death of employee.
- § 12. Employee injured entitle to compensation—submit to examination by surgeon selected by employer—time—place—expense—second and subsequent examinations—purpose—conditions—surgeon provided by employee to be present—refusal of employee or obstruction to examination—rights to compensation suspended.
- § 13. Industrial Board appointed by Governor—confirmed by Senate—qualification—not more than two members to be of same political party.
- § 14. Salaries of members of board—secretary—assistants and clerical help—official seal.
- § 15. Jurisdiction of board—operation—control—duties.
- § 16. Board to make rules and orders governing duties—manifestly reasonable—procedure before board simple and brief—board or members administer oaths—subpoenas—examine witnesses, books, papers, records, places and premises—when.
- § 17. Board to furnish blank forms for use of employer and employee—keep indexed record—date of employer filing notice declining provisions of Act or withdrawing same—same record for employee—other notices to be recorded—proceedings recorded of all orders, awards and arbitrations—other necessary books and records kept in office of board.
- § 18. Board to determine all questions arising not settled by agreement of parties—exceptions.
- § 19. Disputed questions between employer and employee, how determined.
- (a) Board when notified of failure of agreement, to notify both parties to appoint representatives on committee of arbitration—board designates one of its number or an agent to act as chairman—either party failing to appoint member of committee within seven days, board to appoint person to fill vacancy—notice given—expenses of such appointee—how paid.
 - (b) Committee of arbitration—powers—investigations—examine books, papers, records, premises—hearings held in vicinity of injury—ten days’ notice of time and place given to all parties—decisions of committee filed with board—board to send copy to each party with date of filing—petition for review by either party filed with board within fifteen days—party petitioning to file with

INDUSTRIAL BOARD—Continued

- board within twenty days agreed statement of facts on hearing stenographic report—decision of board entered of record—board may for cause grant further time to petition for review, file agreed statement or stenographic report—agreed statement or stenographic report to bear signatures of both parties or attorneys—parties or attorneys disagreeing to stenographic report—authenticated by signature of chairman of committee.
- (c) Board may employ qualified physician to examine injured employee and report—fee not to exceed five dollars and expenses—additional amounts allowed by board—when—fees and payments—services of attorneys and physicians authorized under Act—subject to review and decision of board on request of employer, employee or beneficiary.
- (d) Injured employee persisting in unsanitary or injurious practices, tending to retard recovery—refusing essential medical treatment—board may reduce or suspend compensation.
- (e) When petition for review and agreed statement are filed—board to review decision of committee and facts in connection therewith—may hear additional evidence—board will file decision on review—each party furnished copy—board names place of holding review and hearing—within twenty days or further time if granted by board, either party may file authenticated agreed statement appearing at hearing—disagreement of parties—chairman of board authenticates—all statements filed of proceedings and hearings before committee or board become part of record.
- (f) Decision of board, paragraph (e) and committee, approved by board, in absence of fraud, conclusive—Supreme Court power to review—aggrieved party may apply within thirty days after notice of decision or after filing agreed statement for certiorari, mandamus or other process permissible—decision of two members of board or committee determines all questions.
- (g) Either party may present to proper court certified copy of decision of board where no review taken; or of committee where no claim for review made; or of board after hearing on review, providing for compensation—court will render judgment—employer not instituting proceedings for review, and refusing to pay compensation as awarded, court to tax all court costs and attorney fees in arbitration and court entering judgment, in favor of person for whom judgment was entered—said judgment and costs, unless set aside, has same effect as rendered in any action and be entered and docketed—circuit court to have power on applications to make its judgment conform to modifications of Supreme Court or proceedings for review under Act—employer to have fifteen days' notice of time and place of application for entry of judgment—served by filing with board—copy sent to employer or agent of board—judgment not entered if employer files required bond with board for payment of award—failure to prosecute—proceedings for review of decision—decision affirmed.
- (h) Agreement for payment of compensation by installments—reviewed by board within eighteen months—request made by either employer or employee—basis for such review—compensation payments—how effected—board to give fifteen days' notice of hearings—employer filing petition for review—employee to have special notice enabling him to attend hearings—limited mileage paid—if allowed by board—costs deposited by employer.
- (i) Either party taking action for proceedings before board or any committee or court, must file with board address or name and address of agent; notices served personally or by registered mail—address not filed, service had by filing notice with board.
- § 20. Board to report to Governor June 20th annually—scope of report—special bulletins issued.
- § 21. No payment, claim or award under Act assignable or liable in any manner—in case of insolvency of employer, certified copy of decision of board for compensation may be filed with county recorder of any county—becomes paramount lien on all property of employer in county—wages and taxes excepted—lien enforced by court—right to receive compensation extinguished by death of employee or heirs—subject to provisions for compensation for death in course of employment.
- § 22. Fraud presumed for any agreement made within seven days after injury by employer or representative with employee or beneficiaries for any claim under Act.
- § 23. No employee, representative or beneficiary has power to waive provisions of Act relating to compensation.
- § 24. Proceedings for compensation—employer to be given notice of accident soon as practicable—not later than thirty days thereafter—mental incapacity of employee within six months—no defect in notice a bar to employee maintaining proceedings—employer must prove prejudice for any defect in notice of employee—substance of notice to employer—employer not relieved from liability—when—claim for compensation to be made within six months after accident.
- § 25. Liability of employer for compensation may be relieved by board.
- (a) Depositing computed value.
- (b) Purchase of annuity.
- § 26. Employer to file with board statement of financial ability to pay compensation—other requirements.
- § 27. Insurance maintained by employer or employee not disturbed by Act.
- (b) Existing insurance cannot be discontinued until all obligations are discharged.
- (c) Employee under contract to pay premium on insurance against compensation of Act, null and void—employer not to withhold wages—penalty.

INDUSTRIAL BOARD—*Concluded*

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| <p>§ 28. Inability of employee to recover compensation from employer—subrogated to all rights of employer against insurance company—insurance company to pay employee.</p> <p>§ 29. Injury or death of employee not proximately caused by negligence of employer or employees, but caused by some other person, under the Act, legally liable—right of employee to recover—proceedings when person legally liable, not under Act.</p> <p>§ 30. Employer to send board immediate report of fatal accident—other reports between 15th and 25th of each month—further report in case of permanent disability—what reports shall contain—no other report to be made to State officer.</p> | <p>§ 31. Persons sub-contracting to do work must furnish bond to employer to secure liability for accident to employee.</p> <p>§ 32. Right of action for damages under existing laws, at time this Act takes effect, not disturbed.</p> <p>§ 33. Penalty for failure to comply with any provisions of Act punishable by fine from \$10 to \$500 at the discretion of the court.</p> <p>§ 34. Invalidity of any part of Act not to affect any other valid portion thereof.</p> <p>§ 35. Act of 1911 repealed.</p> |
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(HOUSE BILL NO. 841. APPROVED JUNE 28, 1913.)

AN ACT to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment within this State; providing for the enforcement and administering thereof, and a penalty for its violation, and repealing an Act entitled, "An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any employer in this State may elect to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this Act, and thereby relieve himself from any liability for the recovery of damages, except as herein provided.

(a) Election by an employer to provide and pay compensation according to the provisions of this Act shall be made by the employer filing notice of such election with the Industrial Board.

(b) Every employer within the provisions of this Act who has elected to provide and pay compensation according to the provisions of this Act shall be bound thereby as to all his employees covered by this Act until January 1st of the next succeeding year and for terms of each year thereafter: *Provided*, any such employer may elect not to provide and pay the compensation herein provided for accidents resulting in either injury or death and occurring after the expiration of any such calendar year by filing notice of such election with the Industrial Board at least sixty days prior to the expiration of any such calendar year, and by posting such notice at a conspicuous place in the plant, shop, office, room, or place where such employee is employed, or by personal service, in written or printed form, upon such employee, at least sixty days prior to the expiration of any such calendar year.

(c) In the event any employer elects to provide and pay the compensation provided in this Act, then every employee of such employer, as a part of his contract of hiring or who may be employed at the time of the taking effect of this Act and the acceptance of its provisions by the employer, shall be deemed to have accepted all the provisions of this

Act and shall be bound thereby unless within thirty days after such hiring or after the taking effect of this Act, and its acceptance by the employer, he shall file a notice to the contrary with the Industrial Board, whose duty it shall be to immediately notify the employer, and if so notified, the employer shall not be deprived of any common law or statutory defenses existing but for this Act; and until such notice to the contrary is given to the employer, the measure of liability of the employer shall be determined according to the compensation provisions of this Act: *Provided, however,* that any employee may withdraw from the operation of this Act upon filing a written notice of withdrawal at least ten days prior to January 1st of any year with the Industrial Board, whose duty it shall be to immediately notify the employer by registered mail, and, if so notified, the employer shall not be deprived of any common law or statutory defenses existing but for this Act, and until such notice to the contrary is given to the employer, the measure of liability of the employer shall be determined according to the compensation provisions of this Act.

(d) Any employer or employee may, without prejudice to any existing right or claim, withdraw his election to reject this Act by giving thirty days' written notice in such manner and form as may be provided by the Industrial Board.

§ 2. Every employer enumerated in section 3, paragraph (b), shall be conclusively presumed to have filed notice of his election as provided in section 1, paragraph (a), and to have elected to provide and pay compensation according to the provisions of this Act, unless and until notice in writing of his election to the contrary is filed with the Industrial Board and unless and until the employer shall either furnish to his employee personally or post at a conspicuous place in the plant, shop, office, room or place where such employee is to be employed, a copy of said notice of election not to provide and pay compensation according to the provisions of this Act; which notice of non-election if filed and posted as herein provided, shall be effective until withdrawn; and such notice of non-election may be withdrawn as provided in this Act.

§ 3. (a) In any action to recover damages against an employer, engaged in any of the occupations, enterprises or business enumerated in paragraph (b) of this section, who shall elect not to provide and pay compensation to any employee, according to the provisions of this Act, it shall not be a defense, that:

First—The employee assumed the risks of the employment;

Second—The injury or death was caused in whole or in part by the negligence of a fellow-servant; or

Third—The injury or death was proximately caused by the contributory negligence of the employee.

(b) The provisions of paragraph (a) of this section shall only apply to an employer engaged in any of the following occupations, enterprises or businesses, namely:

1. The building, maintaining, repairing or demolishing of any structure;

2. Construction, excavating or electrical work;

3. Carriage by land or water and loading and unloading in connection therewith;

4. The operation of any warehouse or general or terminal store houses;

5. Mining, surface mining or quarrying;

6. Any enterprise in which explosive materials are manufactured, handled or used in dangerous quantities;

7. In any enterprise wherein molten metal, or explosive or injurious gases or vapors, or inflammable vapors or fluids, or corrosive acids, are manufactured, used, generated, stored or conveyed in dangerous quantities;

8. In any enterprise in which statutory or municipal ordinance regulations are now or shall hereafter be imposed for the regulating, guarding, use or the placing of machinery or appliances, or for the protection and safeguarding of the employees or the public therein; each of which occupations, enterprises or businesses are hereby declared to be extra-hazardous.

§ 4. The term "employer" as used in this Act shall be construed to be:

First—The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

Second—Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations who has any person in service or under any contract for hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this Act may be claimed, shall in the manner provided in this Act have elected to become subject to the provisions of this Act, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this Act.

§ 5. The term "employee" as used in this Act shall be construed to mean:

First—Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic, or municipal corporations therein, under appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein; and except any employee thereof for whose accidental injury or death arising out of and in the course of his employment compensation or a pension shall be payable to him, his personal representative, beneficiaries or heirs, from any pension or benefit fund to which the State, or any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein contributes in whole or in part: *Provided*, that one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

Second—Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and minors who are legally permitted to work under the laws of the State, who, for the purpose of this Act, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees, but not including any person whose employment is but casual or who is not engaged in the usual course of the trade, business, profession or occupation of his employer: *Provided*, that employees shall not be included within the provisions of this Act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.

§ 6. No common law or statutory right to recover damages for injury or death sustained by any employee while engaged in the line of his duty as such employee other than the compensation herein provided shall be available to any employee who is covered by the provisions of this Act, to any one wholly or partially dependent upon him, the legal representatives of his estate, or any one otherwise entitled to recover damages for such injury.

§ 7. The amount of compensation which shall be paid for an injury to the employee resulting in death shall be:

(a) If the employee leaves any widow, child or children whom he was under legal obligation to support at the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand five hundred dollars and not more in any event than three thousand five hundred dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(b) If no amount is payable under paragraph (a) of this section and the employee leaves any widow, child, parent, grandparent or other lineal heir, to whose support he had contributed within four years previous to the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand five hundred dollars and not more in any event than three thousand five hundred dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(c) If no amount is payable under paragraph (a) or (b) of this section and the employee leaves collateral heirs dependent at the time of the injury to the employee upon his earnings, such a percentage of the sum provided in paragraph (a) of this section as the average annual contributions which the deceased made to the support of such collateral dependent heirs during the two years preceding the injury bears to his earnings during such two years.

(d) If no amount is payable under paragraph (a) or (b) or (c) of this section, a sum not to exceed one hundred and fifty dollars for burial expenses.

(e) All compensation except for burial expenses, provided for in this section to be paid in case injury results in death, shall be paid in installments equal to one-half the average earnings, at the same intervals at which the wages or earnings of the employee were paid; or if this shall

not be feasible, then the installments shall be paid weekly: *Provided*, such compensation may be paid in a lump sum upon petition as provided in section 9 of this Act.

(f) The compensation to be paid for injury which results in death, as provided in this section, shall be paid at the option of the employer either to the personal representative of the deceased employee or to his beneficiaries, and shall be distributed to the heirs who formed the basis for determining the amount of compensation to be paid by the employer, the distributees' shares to be in the proportion of their respective dependency at the time of the injury on the earnings of the deceased: *Provided*, that, in the judgment of the court appointing the personal representative, a child's distributive share may be paid to the parent for the support of the child. The payment of compensation by the employer to the personal representative of the deceased employee shall relieve him of all obligations as to the distribution of such compensation so paid. The distribution by the personal representative of the compensation paid to him by the employer shall be made pursuant to the order of the court appointing him.

§ 8. The amount of compensation which shall be paid to the employee for an injury not resulting in death shall be:

(a) The employer shall provide necessary first aid medical, surgical and hospital services; also medical, surgical and hospital services for a period not longer than eight weeks, not to exceed, however, the amount of \$200. The employee may elect to secure his own physician, surgeon or hospital services at his own expense.

(b) If the period of temporary total incapacity for work lasts for more than six working days, compensation equal to one-half the earnings, but not less than \$5 nor more than \$12 per week, beginning on the eighth day of such temporary total incapacity, and continuing as long as the temporary total incapacity lasts, but not after the amount of compensation paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving as provided in said paragraph (a), section 7.

(c) For any serious and permanent disfigurement to the hands, head or face, the employee shall be entitled to compensation for such disfigurement, the amount to be fixed by agreement or by arbitration in accordance with the provisions of this Act, which amount shall not exceed one-quarter of the amount of the compensation which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7: *Provided*, that no compensation shall be payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this section.

(d) If, after the injury has been sustained, the employee as a result thereof becomes partially, though permanently incapacitated from pursuing his usual and customary line of employment, he shall, except in the cases covered by the specific schedule set forth in paragraph (e) of this section, receive compensation, subject to the limitations as to time and maximum amounts fixed in paragraphs (b) and (h) of this section, equal to one-half of the difference between the average amount

which he earned before the accident, and the average amount which he is earning or is able to earn in some suitable employment or business after the accident. In the event the employee returns to the employment of the employer in whose service he was injured, the employee shall not be barred from asserting a claim for compensation under this Act: *Provided*, notice of such claim is filed with the Industrial Board within eighteen months after he returns to such employment, and the said board shall immediately send to the employer, by registered mail, a copy of such notice.

(e) For injuries in the following schedule, the employee shall receive in addition to compensation during the period of temporary total incapacity for work resulting from such injury, in accordance with the provisions of paragraphs (a) and (b) of this section, compensation, for a further period, subject to the limitations as to time and amounts fixed in paragraphs (b) and (h) of this section, for the specific loss herein mentioned, as follows, but shall not receive any compensation under any other provision of this Act:

For the loss of a thumb, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during sixty weeks;

For the loss of a first finger, commonly called the index finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty-five weeks;

For the loss of a second finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty weeks;

For the loss of a third finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during twenty weeks;

For the loss of a fourth finger, commonly called the little finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during fifteen weeks;

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified;

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

For the loss of a great toe, fifty per centum of the average weekly wage during thirty weeks;

For the loss of one or more of the toes other than the great toe, fifty per centum of the average weekly wage during ten weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a hand, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and fifty weeks;

For the loss of an arm, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during two hundred weeks;

For the loss of a foot, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and twenty-five weeks;

For the loss of a leg, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and seventy-five weeks;

For the loss of the sight of an eye, fifty per centum of the average weekly wage during one hundred weeks;

The loss of both hands or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this section: *Provided*, that these specific cases of total and permanent disability shall not be construed as excluding other cases.

(f) In the case of complete disability which renders the employee wholly and permanently incapable of work, compensation equal to 50 per cent of his earnings, but not less than \$5, nor more than \$12 per week, commencing on the day after the injury and continuing until the amount paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7, and thereafter a pension during life annually equal to 8 per cent of the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7. Such pension shall not be less than \$10 per month and shall be payable monthly.

(g) In case death occurs as a result of the injury before the total of the payments made equals the amount payable as a death benefit, then in case the employee leaves any widow, child or children, parents, grandparents or other lineal heirs, entitled to compensation under section 7, the difference between the compensation for death and the sum of the payments made to the employee shall be paid at the option of the employer either to the personal representative or the beneficiaries of the deceased employee and distributed, as provided in paragraph (f) of section 7, but in no case shall the amount payable under this paragraph be less than \$500.

(h) In no event shall the compensation to be paid exceed fifty per centum of the average weekly wage or exceed twelve dollars per week in amount; nor, except in cases of complete disability as defined above, shall any payments extend over a period of more than eight years from the date of the accident. In case an injured employee shall be incompetent at the time when any right or privilege accrues to him under the provisions of this Act, a conservator or guardian may be appointed pursuant to law, and may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been competent and had claimed or exercised

said right or privilege; and no limitations of time by this Act provided shall run so long as said incompetent employee is without a conservator or guardian.

(i) All compensation provided for in paragraphs (b), (c), (d), (e) and (f) of this section, other than cases of pension for life, shall be paid in installments at the same intervals at which the wages or earnings of the employee were paid at the time of the injury, or if this shall not be feasible, then the installments shall be paid weekly.

§ 9. Any employer or employee or beneficiary, who shall desire to have such compensation, or any unpaid part thereof, paid in a lump sum, may petition the Industrial Board, asking that such compensation be so paid, and if upon proper notice to the interested parties and a proper showing made before such board, it appears to the best interest of the parties that such compensation be so paid, the board shall order the commutation of the compensation to an equivalent lump sum, which commutation shall be an amount which will equal the total sum of the probable future payments capitalized at their present value upon the basis of interest calculated at three per centum per annum with annual rests: *Provided*, that in cases indicating complete disability no petition for a commutation to a lump sum basis shall be entertained by the Industrial Board until after the expiration of six months from the date of the injury, and where necessary, upon proper application being made, a guardian, conservator or administrator, as the case may be, may be appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this Act, and liable to pay such compensation, may petition for the appointment of the public administrator, or a conservator, or guardian where no legal representative has been appointed or is acting for such party or parties so under disability: *Provided, further*, that if the amount awarded as a lump sum settlement is not satisfactory to either party, such party may reject the same within ten days after notice of the award by filing his written rejection thereof with the said board in which event compensation shall be payable in installments as herein provided.

§ 10. The basis for computing the compensation provided for in sections 7 and 8 of the Act shall be as follows:

(a) The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings if in the employment of the same employer continuously during the year next preceding the injury.

(b) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(c) If the injured person has not been engaged in the employment of the same employer for the full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same employment and same location, (or if that be impracticable, of neighboring employments of the same kind) have earned during such period.

(d) As to employees in employments in which it is the custom to operate throughout the working days of the year, the annual earnings, if not otherwise determinable, shall be regarded as 300 times the average daily earnings in such computation.

(e) As to employees in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number, if the annual earnings are not otherwise determinable, shall be used instead of 300 as a basis for computing the annual earnings: *Provided*, the minimum number of days which shall be so used for the basis of the year's work shall be not less than 200.

(f) In the case of injured employees who earn either no wages or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earning of adults of the same class in the same (or if that is impracticable then of neighboring) employments.

(g) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

(h) In computing the compensation to be paid to any employee, who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this Act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

(i) To determine the amount of compensation for each installment period, the amount per annum shall be ascertained pursuant hereto, and such amount divided by the number of installment periods per annum.

§ 11. The compensation herein provided, together with the provisions of this Act, shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment subject to the provisions of this Act.

§ 12. An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself at the expense of the employer for examination to a duly qualified medical practitioner or surgeon selected by the employer, at a time and place reasonably convenient for the employee, as soon as practicable after the injury, and also one week after the first examination, and thereafter at intervals not oftener than once every four weeks, which examination shall be for the purpose of determining the nature, extent and probable duration of the injury received by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act: *Provided, however*, that such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee if such employee so desires. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until

such examination shall have taken place, and no compensation shall be payable under this Act for such period.

§ 13. There is hereby created a board which shall be known as the Industrial Board, to consist of three members to be appointed by the Governor, by and with the consent of the Senate, one of whom shall be a representative citizen of the employing class operating under this Act, and one of whom shall be a representative citizen chosen from among the employees operating under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes, and who shall be designated by the Governor as chairman. Appointment of members to places on the first board, or to fill vacancies on said board may be made during recesses of the Senate, but shall be subject to confirmation by the Senate at the next ensuing session of the Legislature. The term of office of members of this board shall be six years, except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years. Not more than two members of the board shall belong to the same political party.

§ 14. The salary of each of the members of the board so appointed by the Governor shall be four thousand dollars per year. The board shall appoint a secretary and shall employ such assistants and clerical help as may be necessary. The board shall provide itself with a seal for the authentication of its orders, awards, and proceedings, upon which shall be inscribed the words, "Industrial Board—Illinois—Seal."

§ 15. The Industrial Board shall have jurisdiction over the operation and administration of this Act, and said board shall perform all the duties imposed upon it by this Act, and such further duties as may hereafter be imposed by law and the rules of the board not inconsistent therewith.

§ 16. The board may make rules and orders for carrying out the duties imposed upon it by law, which rules and orders shall be deemed *prima facie* reasonable and valid; and the process and procedure before the board shall be as simple and summary as reasonably may be. The board or any member thereof shall have the power to administer oaths, subpœna and examine witnesses, and to examine and inspect such books, papers and records, places or premises as may relate to questions in dispute.

§ 17. The board shall cause to be printed and furnish free of charge upon request by any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act, and the performance of the duties of the board; it shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of declination or withdrawal under this Act, and the date of the filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file such a notice of declination or withdrawal, and the date of the filing thereof; and such other notices as may be required by the terms and intendment of this Act; and records in which shall be recorded all proceedings, orders and awards had or made by the board, or by the

arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the board.

§ 18. All questions arising under this Act, if not settled by agreement of the parties interested therein, shall, except as otherwise provided, be determined by the Industrial Board.

§ 19. Any disputed questions of law or fact upon which the employer and employee or personal representative cannot agree, shall be determined as herein provided.

(a) It shall be the duty of the Industrial Board, upon notification that the parties have failed to reach an agreement, to notify both parties to appoint their respective representatives on a committee of arbitration. The board shall designate one of its members or an agent appointed by it and at its expense to act as chairman, and if either party fails to appoint its member on the committee within seven days after notification as above provided, the board shall appoint a person to fill the vacancy and notify the parties to that effect, and the reasonable expenses of the person so appointed to fill the vacancy shall, after approval by the board, be taxed as costs against the party who failed to appoint its member on such committee.

(b) The committee of arbitration shall make such inquiries and investigations as it shall deem necessary, and may examine and inspect all books, papers, records, places or premises relating to the questions in dispute. The hearings of the committee shall be held in the vicinity where the injury occurred, after ten days' notice of the time and place of such hearing shall have been given to each of the parties, and the decision of the committee shall be filed with the Industrial Board, which board shall immediately send to each party a copy of such decision, together with a notification of the time when it was filed, and unless a petition for a review is filed with the board by either party within fifteen days after the receipt by said party of the copy of such decision and notification of time when filed, and unless such party petitioning for review shall, within twenty days of the filing of such decision, file with the board, either an agreed statement of the facts appearing upon the hearing before the committee of arbitration, or, if such party shall so elect, a correct stenographic report of the proceedings at such hearing, then the decision shall be entered of record as the decision of the Industrial Board: *Provided*, that such Industrial Board may, for sufficient cause shown, grant further time in which to petition for such review or to file such agreed statement or stenographic report. An agreed statement of facts or correct stenographic report, as the case may be, shall be authenticated by the signatures of the parties or their attorneys and in the event they do not agree as to the correctness of the stenographic report it shall be authenticated by the signature of the chairman of the committee of arbitration.

(c) The Industrial Board may appoint, at its expense, a duly qualified, impartial physician, to examine the injured employee and report to the board. The fee for this service shall not exceed five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases. The fees and the payment thereof of all attorneys and physicians for services authorized by the board under this Act, shall, upon request of either the employer or the employee or

the beneficiary affected, be subject to the review and decision of the Industrial Board.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical or surgical treatment as is reasonably essential to promote his recovery, the board may, in its discretion, reduce or suspend the compensation of any such injured employee.

(e) If a petition for review, and agreed statement of facts or stenographic report is filed, as provided herein, the Industrial Board shall promptly review the decision of the committee of arbitration and the facts as they appear from the said statement of facts or stenographic report, and shall also, if desired, hear the parties, together with such additional evidence as they may wish to submit. After such hearing upon review, the board shall announce and file in its office its decision thereon and shall immediately send to each party a copy of such decision, together with a notification of the time when it was filed. Such review and hearing may be held in its office, or elsewhere, as the board shall deem advisable. Any party may, within twenty days of the receipt by it of notice of the board's decision or within such further time as the board may grant, file with the board either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct stenographic report of the proceedings at the hearing, such statement of facts or stenographic report to be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree then the authentication shall be by the signature of the chairman of the board. The statement of facts or stenographic report of the proceedings on the hearings before either the committee of arbitration or the Industrial Board shall, upon filing as hereinbefore provided, become part of the record of the proceedings of said board.

(f) The decision of the Industrial Board, acting within its powers, according to the provisions of paragraph (e) of this section, and of the committee of arbitration, where no review is had and its decision becomes the decision of the Industrial Board in accordance with the provisions of this section, shall, in the absence of fraud, be conclusive, but the Supreme Court shall have power to review questions of law involved in any such decision: *Provided*, that application is made by the aggrieved party within thirty days after notice given to him of such decision or within thirty days after the expiration of the time allowed for filing the agreed statement of facts or stenographic report with said board, by *certiorari*, *mandamus* or by any other method permissible under the rules and practices of said court or the laws of this State.

The decision of any two members of a committee of arbitration, or of the Industrial Board, shall be considered the decision of such committee or board, respectively.

(g) Either party may present a certified copy of the decision of the Industrial Board, when no proceedings for review thereof have been taken, or of the decision of such committee of arbitration when no claim for review is made, or of the decision of the Industrial Board after hearing upon review, providing for the payment of compensation according to this Act, to the circuit court of the county in which such accident occurred, whereupon such court shall render a judgment in accordance

therewith; and in cases where the employer does not institute proceedings for review of the decision of the Industrial Board and refuses to pay compensation according to the award upon which such judgment is entered, the court shall, in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment, for the person in whose favor the judgment is entered; which judgment, and costs, taxed as herein provided, shall, until and unless set aside, have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed. The circuit court shall have power at any time, upon application, to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review as provided in this Act.

Judgment shall not be entered until fifteen days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Industrial Board; which board shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent; and no judgment shall be entered in the event the employer shall file with the said board its bond with good and sufficient surety in double the amount of the award, conditioned upon the payment of said award in the event the said employer shall fail to prosecute with effect proceedings for review of the decision or the said decision upon review shall be affirmed.

(h) An agreement or award under this Act, providing for compensation in installments, may at any time within eighteen months after such agreement or award, be reviewed by the Industrial Board at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended; and on such review compensation payments may be re-established, increased, diminished, or ended: *Provided*, that the board shall give fifteen days' notice to the parties of the hearing for review: *And, provided, further*, any employee, upon any petition for such a review being filed by the employer, shall be entitled to one day's notice for each one hundred miles necessary to be traveled by him in attending the hearings of the board upon said petition, and three days in addition thereto, and such employee shall, at the discretion of the board, also be entitled to five cents per mile necessarily traveled by him in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the board as costs and deposited with the petition of the employer.

(i) Each party, upon taking any proceedings or steps whatsoever, before any committee of arbitration, industrial board or court, shall file with the Industrial Board his address or the name and address of an agent upon whom all notices to be given to such party shall be served either personally or by registered mail addressed to such party or agent at the last address so filed with the Industrial Board: *Provided*, that in the event such party has not filed his address or the name and address of an agent as above provided, service of any notice may be had by filing such notice with the Industrial Board.

§ 20. The Industrial Board shall report in writing to the Governor on the 30th day of June, annually, the details and results of its administration of this Act, in accordance with the terms of this Act, and may prepare and issue such special bulletins and reports from time to time as in the opinion of the board, seems advisable.

§ 21. No payment, claim, award or decision under this Act shall be assignable or subject to any lien, attachment or garnishment, or be held liable in any way for any lien, debt, penalty or damages. In case of insolvency of the employer, every decision of the Industrial Board for compensation under this Act shall, upon the filing of a certified copy of the decision with the recorder of deeds of a county, constitute a lien upon all property of the employer within said county, paramount to all other claims, or liens except for wages and taxes, and mortgages or trust deeds, and such liens shall be enforced by order of the court. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this Act relative to compensation for death received in the course of employment.

§ 22. Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within seven days after the injury shall be presumed to be fraudulent.

§ 23. No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employee, personal representative or beneficiary hereunder except after approval by the Industrial Board.

§ 24. No proceedings for compensation under this Act shall be maintained unless notice of the accident has been given the employer as soon as practicable, but not later than 30 days after the accident. In cases of mental incapacity of the employee, notice must be given within six months after such accident. No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings by arbitration or otherwise by the employee, unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy. Notice of the accident shall in substance apprise the employer of the claim of compensation made and shall state the name and address of the employee injured, the approximate date and place of the accident, if known, and in simple language the cause thereof; which notice may be served personally or by registered mail, addressed to the employer at his last known residence or place of business: *Provided*, that the failure on the part of any person entitled to such compensation to give such notice shall not relieve the employer from his liability for such compensation, when the facts and circumstances of such accident are known to such employer, his agent or vice principal in the enterprise. No proceedings for compensation under this Act shall be maintained unless claim for compensation has been made within six months after the accident, or in the event that payments have been made under the provisions of this Act, unless written claim for compensation has been made within six months after such payments have ceased.

§ 25. Any employer against whom liability may exist for compensation under this Act, may, with the approval of the Industrial Board, be relieved therefrom by:

(a) Depositing the commuted value of the total unpaid compensation for which such liability exists, computed at three per centum per annum in the same manner as provided in section 9, with the State Treasurer, or county treasurer in the county where the accident happened, or with any State or National bank, or trust company doing business in this State, or in some other suitable depository approved by the Industrial Board: *Provided*, that any such depository to which such compensation may be paid shall pay the same out in installments as in this Act provided, unless such sum is ordered paid in, and is commuted to, a lump sum payment in accordance with the provisions of this Act.

(b) By the purchase of an annuity, in an amount of compensation due or computed, under this Act within the limitation provided by law, in any insurance company granting annuities and licensed or permitted to do business in this State, which may be designated by the employer, or the Industrial Board.

§ 26. (a) An employer who elects to provide and pay the compensation provided for in this Act shall within ten (10) days of receipt by the employer of a written demand by the Industrial Board (1) file with the board a sworn statement showing his financial ability to pay the compensation provided for in this Act, normally required to be paid, or (2) furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, normally required to be paid, or (3) insure to a reasonable amount his normal liability to pay such compensation in some corporation, association or organization authorized, licensed or permitted to do such insurance business in this State, or (4) make some other provisions for the securing of the payment of compensation provided for in this Act, normally required to be paid, and shall within twenty (20) days of the receipt of such written demand furnish to the board evidence of his compliance with one of the above alternatives: *Provided*, that the sworn statement of financial ability, or security, indemnity or bond, or amount of insurance or other provision, filed, furnished, carried or made by the employer, as the case may be, shall be subject to the approval of the board, upon the approval of which the board shall send to the employer written notice of its approval thereof: *And, provided, further*, that demand shall not be made upon the employer by the board oftener than once in any calendar year.

(b) If no sworn statement or no security, indemnity or bond, or no insurance, is filed, furnished or carried, or other provisions made by the employer within ten (10) days of receipt by the employer of the written demand provided for in paragraph (a), or if the statement, security, indemnity, bond or amount of insurance filed, furnished or carried, or other provision made by the employer, as provided in paragraph (a), shall not be approved by the board, and written notice of such non-approval shall be given to the employer and the employer shall not comply with one of the alternatives of paragraph (a) of this section within ten (10) days after the receipt by the employer of such written

notice of non-approval, then the employer shall be liable for compensation to any injured employee or his personal representative, according to the terms of this Act, or for damages in the same manner as if the employer had elected not to accept this Act, at the option of such employee or his personal representative: *Provided*, such option is exercised and written notice thereof is given to the employer within thirty (30) days after the accident to such employee, otherwise the employer shall be liable only for the compensation payable according to the provisions of this Act: *And, provided, further*, that if at any time thereafter the employer shall comply with any of the alternatives of paragraph (a), then as to all accidents occurring after the said compliance, the employer shall only be liable for compensation according to the terms of this Act.

(c) "Normal liability" and "normally required to be paid," whenever used herein, shall be measured by the experience, if any, of the said employer during the two years preceding the demand by the board. and if there is no such individual basis of experience, then by the general experience in the same industry, business, occupation or enterprise in the same neighborhood during the same period.

§ 27. (a) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him: *Provided*, the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(b) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(c) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void, and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or both, in the discretion of the court.

§ 28. Any person, who shall become entitled to compensation under the provision of this Act, shall, in the event of his inability to recover such compensation from the employer on account of his insolvency, be subrogated to all the rights of such employer against any insurance company, association or insurer which may have insured such employer against loss growing out of the compensation required by the provisions of this Act to be paid by such employer, and, in such event only, the said insurance company, association, or insurer shall become primarily liable to pay to the employee or his personal representative the compensation required by the provisions of this Act to be paid by such employer.

§ 29. Where an injury or death for which compensation is payable by the employer under this Act was not proximately caused by the negligence of the employer or his employees, and was caused under circumstances creating a legal liability for damages in some person other than the employer to pay damages, such other person having also elected to be bound by this Act, then the right of the employee or personal representative to recover against such other person shall be subrogated to his employer and such employer may bring legal proceedings against such other person to recover the damages sustained, in an amount not exceeding the aggregate amount of compensation payable under this Act, by reason of the injury or death of such employee. Where the injury or death for which compensation is payable under this Act was not proximately caused by the negligence of the employer or his employees and was caused under circumstances creating a legal liability for damages on the part of some person other than the employer to pay damages, such other person having elected not to be bound by this Act, then legal proceedings may be taken against such other person to recover damages notwithstanding such employer's payment of or liability to pay compensation under this Act, but in such case if the action against such other person is brought by the injured employee or his personal representative and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, then from the amount received by such employee or personal representative there shall be paid to the employer the amount of compensation paid or to be paid by him to such employee or personal representative: *Provided*, that if the injured employee or his personal representative shall agree to receive compensation from the employer or to institute proceedings to recover the same or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or personal representative and may maintain, or in case an action has already been instituted, may continue an action either in the name of the employee or personal representative or in his own name against such other person for a recovery of damages to which but for this section the said employee or personal representative would be entitled, but such employer shall nevertheless pay over to the injured employee or personal representative all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation paid or to be paid under this Act and all costs, attorney's fees and reasonable expenses incurred by such employer in making such collection and enforcing such liability.

§ 30. It shall be the duty of every employer within the provisions of this Act to send to the Industrial Board in writing an immediate report of all accidental injuries arising out of or in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the Industrial Board all accidental injuries for which compensation has been paid under this Act, which injuries entail a loss to the employee of more than one week's time, and in case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from such injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, the age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representatives or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall release the employer covered by the provisions of this Act from making such report to any other officer of the State.

§ 31. Any person, firm or corporation, who undertakes to do or contracts with others to do, or have done for him, them or it, any work enumerated as extra-hazardous in paragraph (b), section 3, requiring employment of employees in, on or about the premises where he, they or it, as principal or principals, contract to do such work, or any part thereof, and does not require of the person, firm or corporation undertaking to do such work for said principal or principals, that such person, firm or corporation undertaking to do such work shall insure his, their or its liability to pay the compensation provided in this Act to his, their or its employees and any such person, firm or corporation who creates or carries into operation any fraudulent scheme, artifice or device to enable him, them or it to execute such work without such person, firm or corporation being responsible to the employee, his personal representative or beneficiary entitled to such compensation under the provisions of this Act, such person, firm or corporation shall be included in the term "employer" and with the immediate employer shall be jointly and severally liable to pay the compensation herein provided for and be subject to all the provisions of this Act.

§ 32. No right of action for damages, at common law or under any other statute, existing at the time of the taking effect of this Act, shall be affected by this Act.

If the provisions of this Act relating to compensation for injuries to or death of employees shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal or final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be

deducted from any judgment for damages recovered on account of such injury. Any claim, disagreement or controversy existing or arising under "An Act to promote the general welfare of the People of this State, by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912, shall be adjusted in accordance with the provisions of said Act notwithstanding the repeal thereof, or may, by agreement of the parties, be adjusted in accordance with the method of procedure provided in this Act for the adjustment of differences, jurisdiction to adjust such differences so submitted by the parties being hereby conferred upon the Industrial Board or committee of arbitration provided for in this Act.

§ 33. Any wilful neglect, refusal, or failure to do the things required to be done by any section, clause, or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, or any other person charged with the duty of administering or enforcing the provisions of this Act, shall be deemed a misdemeanor, punishable by a fine of not less than \$10 nor more than \$500 at the discretion of the court.

§ 34. The invalidity of any portion of this Act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 35. That an Act to promote the general welfare of the State of Illinois by providing compensation for accidental injuries or death suffered in the course of employment, approved June 10, 1911, in force May 1, 1912, be, and the same is, hereby repealed.

APPROVED June 28, 1913.

MASON CONTRACTORS AND EMPLOYING MASONS IN CITIES OF 150,000 OR OVER—BUILDING REGULATIONS

AN ACT *to provide for the licensing of mason contractors and employing masons and to regulate the safe and proper construction of buildings.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities of this State of 150,000 inhabitants or over, every mason contractor or employing mason shall be required to obtain an annual license therefor, in the manner following:

§ 2. Every person desiring to engage in the business of mason contractor or employing mason shall make application to a Board of Examiners, hereinafter provided for, and shall, at such time and place as said board may designate, be compelled to pass such examination as to his qualifications as said board may direct; said examination may be made in whole or in part in writing and shall be of a practical and elementary character but sufficiently strict to test his qualifications.

§ 3. In every city of 150,000 inhabitants or over, there shall be a Board of Examiners of mason contractors or employing masons, consisting of three members, one of which shall be the building commis-

sioner, who shall be *ex officio* chairman of said Board of Examiners, one shall be a practical architect and one shall be a practical mason, who shall be appointed by the mayor and approved by the city council within three months after the passage of this Act, for the term of one (1) year from the first day of May in the year of appointment and thereafter annually before the first day of May, and shall be paid from the treasury of said city such sum as the officers may designate.

§ 4. Said Board of Examiners shall, as soon as may be convenient after appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of mason contracting or employing masons within their respective jurisdiction; said board shall examine said applicants as to their practical knowledge of masonry and mason construction and all matters pertaining to mason construction and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in the business of mason contracting or employing masons; the license or certificate fee for such mason contractor or employing mason shall be fixed by the common council of such cities; said certificate shall be valid and have force throughout the State for a period of one (1) year from date of issuance and may be renewed upon its expiration by paying in advance an annual renewal fee to be fixed by the common council of such cities for the certificate to master or employing masons or mason contractor; all fees received for said license or certificate shall be paid into the treasury of the city where such certificates are issued: *Provided*, that wherever a firm or corporation consists of more than one master or employing mason, that it shall not be necessary for more than one member of said firm or corporation to procure a license certificate.

§ 5. Each city shall, by ordinance or by law, within three months of the passage of this Act, prescribe rules and regulations for the materials, construction, alteration and inspection of all mason work placed in or upon or in connection with any building in said city; and the building department shall provide that no mason work shall be done upon any building without a permit being first issued therefor upon such terms and conditions as such city shall prescribe.

§ 6. All persons who are required by this Act to take examination and procure a certificate as required by this Act shall apply to the board in the city where he resides or to the board nearest his place of residence.

§ 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than five dollars (\$5) nor exceeding fifty dollars (\$50) for each and every violation thereof, and his certificate may be revoked by the proper authorities in said city.

APPROVED June 30, 1913.

MECHANICS' LIENS—ACT OF 1903 AMENDED

AN ACT to amend section 1, section 7 and section 21 of "An Act to revise the law in relation to mechanics' liens, to whom, what for, and when lien is given; who is a contractor; area covered by and extent of lien; when the lien attaches," approved May 18, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1, section 7 and section 21 of an Act entitled, "An Act to revise the law in relation to mechanics' liens, to whom, what for, and when lien is given; who is a contractor; area covered by and extent of lien; when the lien attaches (approved May 18, 1903, in force July 1, 1903)," be and the same is hereby revised and amended so as to read as follows:

§ 1. WHEN LIEN GIVEN.] That any person who shall by any contract or contracts, express or implied, or partly expressed or implied, with the owner of a lot or tract of land, or with one whom such owner has authorized or knowingly permitted to contract for the improvement of, or to improve the same, furnish material, fixtures, apparatus or machinery, forms or form work used in the process of construction where cement, concrete or like material is used for the purpose of or in the building, altering, repairing or ornamenting any house or other building, walk or sidewalk, whether such walk or sidewalk be on the land or bordering thereon, driveway, fence or improvement or appurtenances thereto on such lot or tract of land or connected therewith, and upon, over or under a sidewalk, street or alley adjoining; or fill, sod or excavate such lot or tract of land, or do landscape work thereon or therefor; or raise or lower any house thereon or remove any house thereto; or perform services as an architect for any such purpose; or furnish or perform labor or services as superintendent, timekeeper, mechanic, laborer or otherwise, in the building, altering, repairing or ornamenting of the same; or furnish material, fixtures, apparatus, machinery, labor or services, forms or form work used in the process of construction where concrete, cement or like material is used, on the order of his agent, architect or superintendent having charge of the improvements, building, altering, repairing or ornamenting the same, shall be known under this Act as a contractor, and shall have a lien upon the whole of such lot or tract of land and upon the adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to two or more buildings, on two or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him for such material, fixtures, apparatus, machinery, services or labor, and interest from the date the same is due. This lien shall extend to an estate in fee, for life, for years, or any other estate or any right of redemption, or other interest which such owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire therein, and shall be superior to any right of dower of husband or wife in said premises, provided the owner of such dower interest had knowledge of such improvement and did not give written notice of his or her objection

to such improvement before the making thereof; nor shall the taking of additional security by the contractor or sub-contractor be a waiver of any right of lien which he may have by virtue of this Act, unless made a waiver by express agreement of the parties; and this lien shall attach as the date of the contract.

§ 7. LIMITATION AS AGAINST THIRD PARTIES—CLAIM FOR LIEN—WHAT SHALL CONSIST OF—WHEN CLAIM MAY BE FILED AND WHEN AMENDED—AS TO ERRORS IN—PROOF OF DELIVERY OF MATERIAL, NOT USE, SUFFICIENT—DELIVERY OF MATERIAL AT ONE BUILDING GOOD FOR ALL BUILDINGS.] No contractor shall be allowed to enforce such lien against or to the prejudice of any other creditor or incumbrancer or purchaser, unless within four months after completion, or if extra or additional work is done or material is delivered therefor within four months after the completion of such extra or additional work or the final delivery of such extra or additional material, he shall either bring suit to enforce his lien therefor or shall file with the clerk of the circuit court in the county in which the building, erection or other improvement to be charged with the lien is situated, a claim for lien, verified by the affidavit of himself, or his agent or employee, which shall consist of a brief statement of the contract, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tracts of land to identify the same. Such claim for lien may be filed at any time after the contract is made, and as to the owner may be filed at any time after the contract is made and within two years after the completion of said contract, or the completion of any extra work or the furnishing of any extra material thereunder, and as to such owner may be amended at any time before the final decree. No such lien shall be defeated to the proper amount thereof because of an error or overcharging on the part of any person claiming a lien therefor under this Act, unless it shall be shown that such error or overcharge is made with intent to defraud; nor shall any such lien for material be defeated because of lack of proof that the material after the delivery thereof, actually entered into the construction of such building or improvement, although it be shown that such material was not actually used in the construction of such building or improvement: *Provided*, it is shown that such material was delivered either to said owner or his agent for such building or improvement, to be used in said building or improvement, or at the place where said building or improvement was being constructed, for the purpose of being used in construction or for the purpose of being employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed forms or form work where concrete, cement or like material is used, in whole or in part: *And, provided, further*, that in case of the construction of a number of buildings under contract between the same parties, it shall be sufficient in order to establish such lien for material, if it be shown that such material was in good faith delivered at one of the said buildings for the purpose of being used in the construction of any one or all of such buildings, or delivered to the owner or his agent for such buildings, to be used therein; and such lien for such material shall attach to all of said buildings, together with the land upon which the same are being constructed, the same as in a single building or improve-

ment: *And, provided, further,* that in the event the contract relates to two or more buildings on two or more lots or tracts of land, then all of said buildings and lots or tracts of land may be included in one statement of claim for a lien.

§ 21. SUB-CONTRACTORS—LIENS OF SUB-CONTRACTORS—WHO ARE—EXTENT OF THEIR LIENS SUPERIOR TO CREDITORS OR CONTRACTORS ON MONEY DUE CONTRACTORS—DUTY OF OWNER AND CONTRACTOR TO FILE NOTICE OF WAIVER OF LIEN—LIMIT OF OWNER'S LIABILITY—OWNER LIABLE FOR SUB-CONTRACTS PERFORMED AFTER NOTICE THEREOF—RIGHTS OF IN CASE CONTRACTOR DEFAULT MAY COMPLETE, IF CONTRACTOR ABANDONS.] Every mechanic, workman or other person who shall furnish any materials, apparatus, machinery or fixtures, or furnish or perform services or labor for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from the owner under the original contract. If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one, such provision shall be binding; but the only admissible evidence thereof as against a sub-contractor or material man, shall be proof of actual notice thereof to him before any labor or material is furnished by him; or proof that a duly written and signed stipulation or agreement to that effect has been filed in the office of the recorder of deeds of the county or counties where the house, building or other improvement is situated, prior to the commencement of the work upon such house, building or other improvement, or within ten days after the execution of the principal contract or not less than ten days prior to the contract of the sub-contractor or material man. And the recorder of deeds shall record the same at length in the order of time of its reception in books provided by him for that purpose, and the recorder of deeds shall index the same, in the name of the contractor and in the name of the owner, in books kept for that purpose, and also in the tract or abstract book of the tract, lot, or parcel of land, upon which said house, building or other improvement is located, and said recorder of deeds shall receive therefor a fee, such as is provided for the recording of instruments in his office.

In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this Act: *Provided*, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors fixed an unreasonably low price

in their original contract for the erection or repairing of such house, building or other improvement, then the court shall ascertain how much of a difference exists between a fair price for labor and material used in said house, building or other improvement, and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien. But where the contractor's statement, made as provided in section five (5), shows the amount to be paid to the sub-contractor, or party furnishing material, or the sub-contractor's statement, made pursuant to section twenty-two (22), shows the amount to become due for material; or notice is given to the owner, as provided in sections twenty-four (24) and twenty-five (25), and thereafter such sub-contract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered without written protest on the part of the owner previous to such performance or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material, regardless of the price named in the original contract, shall have a lien therefor to the extent of the amount named in such statements or notice. Also, in case of default or abandonment by the contractor, the sub-contractor or party furnishing material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in section four (4) of this Act, and shall have and may exercise the same rights as are therein provided for the contractor.

APPROVED June 16, 1913.

MINERS' EXAMINING BOARD—REVISION

AN ACT *to provide for the safety of persons employed in and about coal mines, and to provide for the examinations of persons seeking employment therein in order that only competent persons may be employed as miners, and to create a board of examiners for this purpose and to provide a penalty for the violation of the same, and to repeal an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the safety of persons employed in and about coal mines and to provide for the examination of persons seeking employment as coal miners, and providing penalties for the violation of the same, approved June 1, 1908, in force July 1, 1908,' approved June 5, 1909, in force July 1, 1909."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That hereafter no person shall be employed or engaged as a miner in any coal mine in this State without having first obtained a certificate of competency and qualification so to do from the "Miners' Examining Board" of this State, created by this Act: Provided, however, that any such certificated miner may have one person working with him and under his directions as an apprentice for the purpose of learning the business of mining and becoming qualified to obtain a certificate in conformity with the provisions of this Act.*

§ 2. The Governor shall, by and with the advice and consent of the Senate, within thirty days after this Act shall take effect, appoint three persons as Miners' Examining Commissioners, who shall constitute the "Miners' Examining Board," for the State of Illinois, and who shall hold office as follows: One of said appointees shall hold office until March 1, 1914, one until March 1, 1915, and one until March 1, 1916, and on the first day of March of each year after this Act shall take effect, one member of said board shall be appointed and the term of office thereafter shall be three years for each member, or until his successor is appointed and qualified. Two of such commissioners shall constitute a quorum. Said commissioners shall hold no other lucrative office or employment under the government of the United States, State of Illinois, or any political division thereof or any municipal corporation therein and each commissioner before entering upon the duties of his office shall subscribe and take the oath prescribed by the Constitution of this State, and shall before entering upon the duties of his office give a bond with sufficient surety to be approved by the Governor, payable to the People of the State of Illinois, in the penal sum of five thousand dollars (\$5,000), conditioned for the faithful discharge of his duties of office and the delivery of all records, books, moneys, and other property pertaining to his office to his successor in office, which said bond shall be deposited in the office of the Auditor of Public Accounts.

§ 3. No person shall be appointed such miners' examining commissioner who has not had at least five years' practical and continuous experience as a coal miner and who has not been actually engaged in coal mining as a miner in the State of Illinois continuously for twelve months next preceding his appointment: *Provided, however,* that a commissioner may be appointed to succeed himself.

§ 4. Each of said commissioners shall receive a salary of fifteen hundred dollars (\$1,500) per year, payable monthly. Such salary to be paid on the certificate of the president of said board verified by the commissioner receiving the same and approved by the Governor.

§ 5. Immediately after the appointment or reappointment of a commissioner in each and every year, the said board shall organize by selecting one of its members president and another secretary for the ensuing year, and all records, reports, books, papers and other property pertaining to the office of said board shall be kept by the secretary. The secretary shall be provided with a seal with proper device and on the margin thereof shall be the words, "Miners' Examining Board, State of Illinois."

§ 6. Such board shall hold an examination once in each calendar month, in at least twelve places located most conveniently with reference to the districts in which coal is mined in the State of Illinois so that all persons in such districts or in this State, or who may wish to come into this State, for the purpose of engaging in mining, may be examined as to their competency and qualifications. Notice of the time and place of such examinations shall be published in some newspaper of general circulation printed in the English language and published in the vicinity where such examination will be held. Such notice shall be published at least three times before the date of such examination, the first publication not less than seven days before the examination is to

occur. If there is not such newspaper published at the place of such examination, then such notice shall be published in the newspaper nearest to the place of such examination.

§ 7. Each applicant for the certificate provided for herein shall pay a fee of \$2 to said board. Fees so collected during each month shall, before the 10th day of the following month, be paid by the board to the State Treasurer, together with a report showing where and from whom each fee was collected.

§ 8. All examinations held by said "Miners' Examining Board" shall be conducted in the English language and shall be of a practical nature so as to determine the competency and qualification of the applicant to engage in the business of mining. Said board shall examine under oath all persons who apply for certificates as to their previous experience as miners and shall grant certificates of competency or qualification to such applicants as are qualified, which certificates shall entitle the holder thereof to be employed as and to do the work of miners in this State. No certificate of competency shall issue or be given to any person under this Act unless he shall produce evidence of having had not less than two years' practical experience as a miner or with a miner, and in no case shall an applicant be deemed competent unless he appear in person before said board and orally answer intelligently and correctly at least twelve practical questions propounded to him by the board pertaining to the requirements and qualifications of a practical miner. Said board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account of the examination of each applicant with questions asked and their answers, and at each of its meetings the board shall keep said record open for public inspection. No miner's certificate granted under the provision of this Act shall be transferable and any effort to transfer the same shall be deemed a violation of this Act. Such certificates shall be issued only at meetings of said board and said certificates shall not be legal unless signed by at least two members of said board and sealed with the seal of the board issuing such certificates.

§ 9. Said board shall annually on the first day of March, report to the Governor, in writing, what examinations it has held and what work it has done during the preceding year, together with such recommendations as it may deem advisable for the improvement of the method of holding examinations and carrying out the purposes of this Act.

§ 10. No person shall hereafter engage as a miner in any coal mine without having obtained a certificate of qualification as provided for in this Act, nor shall any person, firm, or corporation employ as a miner in his, their or its mine in this State, any person who does not hold such certificate, nor shall any mine foreman, overseer, or superintendent permit or suffer any person to be employed under him or in any mines under his charge or supervision as a miner in any mine in this State, except as herein provided, who does not hold such certificate of qualification. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Act, shall be deemed guilty of misdemeanor and on conviction thereof shall be fined in any sum not less than one hundred dollars (\$100), and not more than five hundred

dollars (\$500), or shall be imprisoned in the county jail for a term of not less than thirty days, nor to exceed six months, at the discretion of the court.

§ 11. It shall be the duty of said "Miners' Examining Board" to report all complaints or charges of non-compliance with, or violation of the provisions of this Act to the State's attorney of the county in which such non-compliance or violation occurs, and it shall be the duty of the State's attorney of the county wherein the complaints or charges are made, to investigate the same and prosecute all persons so offending.

§ 12. In order to more effectively carry out the intention and purposes of this Act, the "Miners' Examining Board" shall have power to administer oaths to any and all persons who are applicants or may vouch in any manner for the service or qualification of any applicant in order to obtain for him a certificate hereunder, and any person who shall willfully swear or falsely testify as to any matter material to such examination or as to the service or qualification of any applicant, shall be deemed guilty of perjury and shall be subject to the penalties thereof as prescribed by the criminal code of this State.

§ 13. The Governor shall have the power and authority to remove any of said commissioners for neglect of duty, incompetency, or malfeasance in office, and upon such removal shall appoint a successor.

§ 14. The invalidity of any section or part of this Act, shall in no manner effect the validity of any other part or of this Act, exclusive of such invalid part or parts, if any.

§ 15. That an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and providing penalties for the violation of the same, approved June 1, 1908, in force July 1, 1908,' approved June 5, 1909, in force July 1, 1909," be and the same is hereby repealed.

APPROVED June 27, 1913.

MINING INVESTIGATION COMMISSION

AN ACT to establish the Mining Investigation Commission of the State of Illinois, and prescribing its powers and duties and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission be established to be known as the Mining Investigation Commission of the State of Illinois, consisting of three coal mine owners and three coal miners appointed by the Governor, together with three qualified men, no one of whom shall be identified or affiliated with the interests of either of the mine owners or coal miners or dependent upon the patronage or good will of either, nor in political life, who shall be appointed by the Governor.

Each member of said commission shall have equal authority, power and voting strength in considering and acting upon any matters which

may be brought to the attention of the commission and on which the commission may act and the said commission shall have power and authority to investigate the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits.

§ 2. In making an investigation as contemplated in this Act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, which shall be under the seal of the commission and signed by the chairman or secretary of said commission.

In case any person shall wilfully fail or refuse to obey such subpoena, it shall be the duty of the Circuit Court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners; and the said court shall have the power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

The fees of witnesses shall be the same as in the courts of record and shall be paid out of the appropriation hereinafter made.

And upon order duly entered of record by the said commission any one or more members of the said commission shall be empowered to take testimony touching the matters within the jurisdiction of the said commission and report the same to the said commission.

Said commission shall have power and are authorized to adopt a seal and to make such rules not inconsistent with or contrary to law for the government of proceedings before it, as it may deem proper and shall have the same power to enforce such rules and to preserve order and decorum in its presence as is vested by the common law or statute of this State in any court of general jurisdiction.

§ 3. Said commission shall meet at the State Capitol building in Springfield on the second Tuesday after notice of their appointment and shall immediately elect a chairman and secretary from among their number, one of whom shall be a coal mine owner and the other a coal miner. Said commission shall cause a record to be kept of all its proceedings.

Five members of the said commission shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn the meetings of the commission from time to time.

Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois as may be fixed by the said commission.

A meeting of the said commission shall be held upon the written request of any three members of the said commission signed by them and delivered to the secretary, who shall, upon receipt of such request, notify each member of said commission by mail of such meeting so to be held, and the time and place thereof. And no such meeting shall be held less than five days after the mailing of notice of the said meeting to the members of said commission by the secretary.

Such called meeting shall be held either in Springfield or Chicago.

§ 4. Said commission shall report to the Governor and to the General Assembly at its next regular session, submitting, so far as they

have unanimously agreed, a proposed provision of coal mining laws of the State, together with such other recommendations as to the commission shall seem fit and proper relating to coal mining in the State of Illinois.

And where there is not unanimous agreement upon any recommendation, there shall be submitted in like manner separate reports embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report and shall embody his or their respective reasons for such recommendation and his or their objection to the report of other members of the commission.

The duties and functions of said commission shall cease and the terms of office of the respective commissioners shall terminate upon the adjournment of the Forty-ninth General Assembly.

§ 5. The members of said commission who are coal mine owners and coal miners, as aforesaid, shall receive no compensation for their services. The remaining three members of the commission shall receive as compensation for their services the sum of \$10 per day for each day actually employed by them as such commissioners. All members of the said commission shall be reimbursed for their actual expenses incurred in and about the actual work of said commission.

Said commission may appoint a stenographer or clerk and such other employees as are necessary and shall fix their compensation and may incur such other expenses as are properly incidental to the work of the commission.

§ 6. The sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, is hereby appropriated for the postage, stationery, clerical and expert services, and incidental traveling expenses of the commission, and the per diem of members as herein authorized, and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount, or any part thereof, in payment of any expenses, charges or disbursements authorized by this Act, on order of this commission, signed by its chairman, attested by its secretary, and approved by the Governor.

The State Board of Contracts is hereby authorized and directed to provide all necessary printing for the Mining Investigation Commission, and testimony taken by it shall be reported in full and may be published from time to time by the commission.

APPROVED June 21, 1913.

MINES AND MINING—ACT OF 1911 REVISED

AN ACT to amend sections 1, 2, 3, 5, 6, 10, 11, 14, 16, 18, 19, 20 and 21 of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved June 6, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 2, 3, 5, 6, 10, 11, 14, 16, 18, 19, 20 and 21 of an Act entitled, "An Act to revise the

laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved June 6, 1911, in force July 1, 1911, be and the same are hereby amended so as to read as follows:

§ 1. (a) That the Governor, with the advice and consent of the Senate, shall appoint a State Mining Board, which shall be composed of five members, two of whom shall be practical coal miners, one a practicing coal mine hoisting engineer, and two coal operators.

POWERS AND DUTIES OF BOARD.] (b) Said board shall be authorized, empowered and required to make formal inquiry into and pass upon the practical and technological qualifications and personal fitness of men seeking appointment as State inspectors of mines, and of those seeking certificates of competency as mine managers, as hoisting engineers and as mine examiners. Said board also shall have such other powers and duties as may be prescribed by the provisions of this Act, or any other Act relating to coal mining. Said board also shall control and direct the State mine inspectors hereinafter provided for, in the discharge of their duties, and shall have the power and shall in person and through the State mine inspectors see that all the provisions of the State mining law are enforced. Said board also shall cause to be collected statistical details relating to coal mining in the State, especially in its relations to the vital, sanitary, commercial and industrial conditions, and to the permanent prosperity of said industry; and said board shall cause such statistical details to be compiled and summarized as a report of said State Mining Board, to be known as the annual coal report.

DATE AND TERM OF APPOINTMENT.] (c) Their appointment shall date from July 1, 1911, and they shall serve for a term of two years, or until their successors are appointed and qualified. They shall also be sworn to a faithful performance of their duties. One of the coal operators member of said board shall be elected as president, and one of the coal miners member of said board shall be elected as secretary. The board may appoint a chief clerk and may employ such other persons as may be necessary for the proper discharge of its powers and duties; all of whom shall perform such duties as may be prescribed by the board from time to time, and the board may from time to time also prescribe standing and other rules for the control and direction of its officers and employees and of the State mine inspectors.

SUPPLIES FURNISHED BY SECRETARY OF STATE.] (d) The Secretary of State shall assign to the use of the board suitably furnished rooms in the State House, and shall also furnish whatever blanks, blank books, printing, stationery, instruments and supplies the board may require in the discharge of its duties, and for the use of State mine inspectors.

FREQUENCY OF MEETINGS.] (e) The board shall hold such meetings from time to time as may be necessary for the proper discharge of its duties. The board shall meet at the Capitol on the second Tuesday in September of the year 1911, and annually thereafter, for the examination of candidates for appointment as State inspectors of mines. Special examinations also may be held whenever for any reason it may become necessary to appoint one or more inspectors.

For the examination of persons seeking certificates of competency as mine managers, hoisting engineers and mine examiners, the board shall hold meetings at such times and places within the State as shall, in the judgment of the members, afford the best facilities to the greatest number of candidates.

Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which any examinations under this section are to be held.

RULES OF PROCEDURE.] (f) The examination herein provided for shall be conducted under rules, conditions and regulations prescribed by the board. Such rules shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be, upon application of any candidate, furnished to him by the board; they shall also be of uniform application to all candidates.

COMPENSATION OF MEMBERS—SALARY OF CHIEF CLERK.] (g) The members of the State Mining Board shall receive as compensation for their services the sum of five dollars (\$5) each per day for a term not exceeding one hundred (100) days in any one year, and whatever sums are necessary to reimburse them for such actual and necessary traveling expenses as may be incurred in the discharge of their duties.

The salary of the chief clerk shall be \$2,000 per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties.

All salaries and expenses of the board and of its employees shall be paid upon vouchers duly sworn to by each and approved by the president of the board, or in his absence by the acting president, and by the Governor, and the Auditor of Public Accounts is hereby authorized to draw his warrants on the State treasury for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

§ 2. CREDENTIALS.] (a) An applicant for any certificate herein provided for, before being examined, shall register his name with the State Mining Board and file with the board the credentials required by this Act, to wit: An affidavit as to all matters of fact establishing his right to receive the examination, and a certificate of good character and temperate habits, signed by at least ten residents of the community in which he resides.

EXAMINATIONS FOR INSPECTORS.] (b) Persons applying to the State Mining Board as candidates for appointment as State inspectors of mines must produce evidence satisfactory to the board that they are citizens of this State, at least thirty years of age, that they have had a practical mining experience of ten years, and that they are men of good repute and temperate habits; they must pass an examination as to their practical and technological knowledge of mine surveying and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation in mines, of the nature and properties of mine gases, of first aid to injured, of mine rescue methods and appliances, of the geology of the coal measures in this State, and of the laws of this State relating to coal mines.

NAMES CERTIFIED TO THE GOVERNOR.] (c) At the close of each examination for inspectors the board shall certify to the Governor the

names of all candidates who have received a rating above the minimum fixed by the rules of the board as being persons properly qualified for the position of inspector.

EXAMINATIONS FOR MINE MANAGER.] (d) Persons applying to the board for certificates of competency as mine managers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also pass such examination as to their experience in mines and in the management of men, their knowledge of mine machinery and appliances, the use of surveying and other instruments used in mining, the properties of mine gases, the principles of ventilation, of first aid to injured, of mine rescue methods and appliances, and the legal duties and responsibilities of mine managers, as shall be prescribed by the rules of the board.

FOR MINE MANAGERS, SECOND CLASS.] (d) Persons coming before the board for certificates of competency as mine managers, second class, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits. They must also submit to and satisfactorily pass such an examination as to their experience in mines and in the management of men, their knowledge of coal mining, mine ventilation and the mining laws of this State and the required duties and responsibilities of second class mine managers, as shall be prescribed by the rules of the board, and it shall be unlawful to employ second class mine managers, for them to serve in that capacity at mines employing more than ten men.

EXAMINATIONS FOR MINE EXAMINERS.] (e) Persons applying to the board for certificates of competency as mine examiners, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, and of good repute and temperate habits, and that they have had at least four years' practical mining experience. They must pass an examination as to their experience in mines generating dangerous gases, their practical and technological knowledge of the nature and properties of fire-damp, the laws of ventilation, the structure and uses of safety lamps, and the laws of this State relating to safeguards against fires from any source in mines. *They shall also possess a knowledge of first aid to injured and of mine rescue methods, and shall hold a certificate from any national or State commission or bureau or other recognized agency.*

EXAMINATIONS FOR HOISTING ENGINEERS.] (f) Persons applying to the board for certificates of competency as hoisting engineers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, that they have had at least two years' experience as firemen or engineers of a hoisting plant, and are of good repute and temperate habits. They must pass an examination as to their experience in handling hoisting machinery, and as to their practical and technological knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and deficiency of pumps, ropes and winding

apparatus, and as to their knowledge of the laws of this State in relation to signals and the hoisting and lowering of men at mines.

EXAMINATION PAPERS PRESERVED.] (g) There shall be a written and an oral examination of applicants as may be prescribed by the rules of the board; and all written examination papers and all other papers of applicants shall be kept on file by the board for not less than one year, during which time any applicant shall have the right to inspect his said papers at all reasonable times; and any applicant shall be entitled to a certified copy of any or all of his said papers upon payment of a reasonable copy fee therefor.

§ 3. CERTIFICATES ISSUED BY THE BOARD.] (a) The certificates provided for in this Act shall be issued under the signature and seal of the State Mining Board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age and place of birth of the recipient and the length and nature of his previous service in or about coal mines.

RECORD TO BE PRESERVED.] (b) The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued.

EFFECT OF CERTIFICATES.] (c) The certificates provided for in this Act shall entitle the holders thereof to accept and discharge at any mine in this State, the duties for which they are declared qualified.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS.] (d) It shall be unlawful for the operator of any coal mine to have in his service as mine manager at his mine, any person who does not hold a certificate of competency issued by the State Mining Board of this State: *Provided*, that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine manager, he may place any trustworthy and experienced man of the mine inspection district in charge of his mine to act as temporary mine manager for a period not exceeding seven days, and with the approval of the State Inspector of the district, for a further period not exceeding twenty-three days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS.] (e) It shall be unlawful for the operator of any mine to have in his service as mine examiner any persons who does not hold a certificate of competency issued by the State Mining Board: *Provided*, that any one holding a mine manager's certificate may serve as mine examiner; but in any mine employing more than twenty-five (25) men, the mine manager shall not act in the capacity of mine examiner while acting as mine manager: *And, provided*, whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding seven days, and with the approval of the State Inspector of the district, for a further period not exceeding twenty-three days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED HOISTING ENGINEER.] (f) It shall be unlawful for the operator of any mine to permit any person who does not hold a certificate of competency as

hoisting engineer issued by the State Mining Board, to hoist or lower men, or to have charge of the hoisting engine when men are underground.

TEMPORARY EMPLOYMENT OF UNCERTIFICATED PERSONS NOT EXTENDED.] (g) The employment of persons who do not hold certificates as mine managers and mine examiners, shall in no case exceed the limit of time specified herein, and the State Inspector shall not approve of the employment of such persons beyond the twenty-three day limit.

REMOVAL OF INSPECTORS.] (h) Upon a petition signed by not less than three coal operators, or ten coal miners, setting forth that any State inspector of mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the unlawful injury of miners or operators of mines, it shall be the duty of the State Mining Board to issue a citation to the said inspector to appear before it within a period of fifteen days on a day fixed for said hearing, when the said board shall investigate the allegations of the petitioners; and if the said board shall find that the said inspector is neglectful of his duty, or is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said board shall declare the office of said inspector vacant, and a properly qualified person shall be duly appointed, in the manner provided for in this Act, to fill said vacancy.

CANCELLATION OF CERTIFICATES.] (i) The certificate of any mine manager, hoisting engineer or mine examiner, may be canceled and revoked by the State Mining Board upon notice and hearing as hereinafter provided, if it shall be established in the judgment of said board that the holder thereof has become unworthy to hold said certificate by reason of violation of the law, intemperate habits, incapacity, abuse of authority or for any other cause: *Provided*, that any person against whom charges or complaints are made hereunder shall have the right to appear before said board and defend against said charges, and he shall have fifteen days' notice in writing of such charge previous to such hearing: *Provided further*, that the board in its discretion may suspend the certificate of any person charged as aforesaid, pending said hearing, but said hearing shall not be unreasonably deferred.

§ 5. INSPECTORS APPOINTED.] (a) From the names certified by the State Mining Board, the Governor shall select and appoint twelve State mine inspectors; that is to say, one inspector for each of the twelve inspection districts provided for in this Act; or more, if, in the future, additional inspection districts shall be created, and their commissions shall be for a term of two years from July 1: *Provided*, the term of any State Mine Inspector in office July 1, 1911, shall be extended to October 1, 1911: *And, provided*, any State inspector in actual service and good standing and who has passed one examination under this Act may be reappointed for the next ensuing term, without further certification, but shall not be so reappointed more than three times: *Provided, further*, no man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine in Illinois.

(b) The county board of supervisors, or of commissioners in counties not under township organization, of any county in which coal is produced, upon the written request of the State Inspector of Mines

for the district in which said county is located, shall appoint a county inspector of mines as assistant to such State inspector, but no person shall be eligible for appointment as county inspector who does not hold a State certificate of competency as mine manager, and the compensation of such county inspector shall be fixed by the county board at not less than three dollars per day, to be paid out of the county treasury.

The State inspector may authorize any county inspector in his district to assume and discharge all the duties and exercise all the powers of a State Inspector in the county for which he is appointed, in the absence of the State inspector; but such authority must be conferred in writing and the county inspector must produce the same as evidence of his powers upon the demand of any person affected by his acts; and the bond of said State Inspector shall be holden for the faithful performance of the duties of such assistant inspector.

BOND.] (c) State inspectors, before entering upon their duties as such must take an oath of office, as provided for by the Constitution, and enter into a bond to the State in the sum of five thousand dollars (\$5,000) for State mine inspectors, with sureties to be approved by the Governor, conditioned upon the faithful performance of their duties in every particular, as required by this Act. Said bonds, with the approval of the Governor endorsed thereon, together with the oath of office, shall be deposited with the Secretary of State.

INSTRUMENTS.] (d) The State Mining Board shall furnish to each of said State inspectors an anemometer, a safety-lamp and such other instruments and such blanks, blank-books, stationery, printing and supplies as may be required by said inspectors in the discharge of their official duties. Said instruments and supplies shall be paid for on bills of particulars certified by the proper officers of the board and approved by the Governor ;and the Auditor of Public Accounts shall draw his warrants on the State treasury for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

EXAMINATION OF MINES.] (e) State inspectors shall devote their whole time and attention to the duties of their respective offices. State inspectors shall make a personal examination at least once in every six months, *or oftener if necessary*, of each mine in their district *in which ten or more men are employed*. The State Mining Board also may require State inspectors personally to examine any or all other mines in their respective districts. Every mine in the State shall be examined at least once in every six months by either a State or county mine inspector.

SCOPE OF EXAMINATION.] (f) Every State inspector in the regular inspection of mines shall measure with an anemometer and determine the amount of air passing in the last cross-cut in each pair of entries in pillar and room mines, or in the last room of each division in long wall mines. He shall also measure with an anemometer and determine the amount of air passing at the inlet and outlet of the mines; and he shall compare all such air measurements with the last report of the mine examiner and the mine manager upon the mine examination book of the mine. He must observe that the legal code of

signals between the engineer and top man and bottom man is established and conspicuously posted for the information of all employees.

State inspectors also shall require that every necessary precaution be taken to insure the health and safety of the workmen employed in the mines, and that the provisions and requirements of all the mining laws of this State are obeyed.

State inspectors shall render written reports of mine inspections made by them to the State Mining Board in such form and manner as shall be required by the board. State inspectors shall take prompt action for the enforcement of the penalties provided for violation of the mining laws.

AUTHORITY TO ENTER.] (g) It shall be lawful for State inspectors to enter, examine and inspect any and all coal mines and the machinery belonging thereto, at all reasonable times, by day or by night, but so as not to unreasonably obstruct or hinder the working of such coal mine, and the operator of every such coal mine is hereby required to furnish all necessary facilities for making such examination and inspection.

PROCEDURE IN CASE OF OBJECTION.] (h) If any operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit, setting forth such refusal, with the judge of the the Circuit Court in said county in which said mine is situated, either in term time or vacation, or, in the absence of said judge, with a master in chancery in said county in which said mine is situated, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

NOTICES TO BE POSTED.] (i) The State inspector shall post in some conspicuous place at the top of each mine inspected by him, a plain statement showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the inspector. He shall post a notice at the landing used by the men, stating what number of men will be permitted to ride on the cage at one time and the rate of speed at which men may be hoisted and lowered on the cages.

SEALER OF WEIGHTS.] (j) State inspectors are hereby made *ex officio* sealer of weights and measures in their respective district, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be the duty of the inspector to test any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any

county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test of such mine inspector shall prevail.

TEST WEIGHTS.] (k) For the purpose of carrying out the provisions of this Act, each State inspector shall be furnished by the State with a complete set of standard weights suitable for testing the accuracy of tract (track) scales and of all smaller scales at mines, said test weights to be paid for on bills of particulars, certified by the Secretary of State and approved by the Governor. Such test weights shall remain in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

INSPECTORS' ANNUAL REPORTS.] (1) Each State Inspector of Mines shall, within sixty days after June 30 of each year, prepare and forward to the State Mining Board a formal report of his acts during the year in the discharge of his duties, with any recommendations as to legislation he may deem necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said board all desired statistics of mines and miners within his district to accompany said annual report.

REPORTS TO BE PUBLISHED.] (m) On the receipt of said inspectors' reports the chief clerk of the State Mining Board shall compile and summarize the same, to be included in the report of said board, to be known as the annual coal report, which shall, within four months thereafter, be bound, printed and transmitted to the Governor for the information of the General Assembly and the public. The printing and binding of said reports shall be provided for by the Commissioners of State Contracts in like manner and in like numbers as they provide for the publication of other official reports to the Governor.

REPORTS BY OPERATOR.] (n) Every coal operator shall, within thirty days after June 30 of each year, furnish to the State Mine Inspector of the district, on blanks furnished by him prior to said June 30, statistics of the wages and conditions of their employees as required by law. The failure of any inspector to forward to the State Mining Board his formal report, as provided in paragraph one (1) hereof, or the failure of any coal operator to furnish to the State Mine Inspector of the district of statistics provided for herein, shall be adjudged a misdemeanor and be subject to a fine of \$100.

§ 6. PAY OF INSPECTORS.] Each State Inspector of Mines shall receive as compensation for his services the sum of \$1,800 per annum, and for traveling and other necessary expenses each shall receive the sum actually expended for that purpose in the discharge of his official duties: *Provided*, such expenses shall not exceed one hundred dollars per calendar month for each State Inspector of Mines, both salary and expenses to be paid monthly by the State Treasurer, on warrants of the Auditor of Public Accounts, from the funds in the treasury not otherwise appropriated; said expense vouchers shall show the items of expenditures in detail, with sub-vouchers for the same so far as it is practicable to obtain them. Said vouchers shall be sworn to by the inspector and

be approved by the president of the State Mining Board and the Governor.

§ 10. GATES AT LANDINGS.] (a) The upper and lower landing at the top of each shaft, and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall be protected with automatic or other gates, *such gates to be of good, serviceable construction for the purpose for which they are designed, namely, to prevent either men or materials from falling into the shaft.* At the top landing cage supports, where necessary, must be carefully set and adjusted so as to securely hold the cage when at rest.

LIGHTS ON LANDINGS.] (b) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Likewise, as long as there are men underground in any mine the operator shall maintain a good and sufficient light at the bottom of the shaft thereof, so that persons coming to the bottom may clearly discern the cage and objects in the vicinity.

HOISTING EQUIPMENT.] (c) Every shaft in which men are hoisted and lowered must be equipped with a cage, or cages, fitted to guide-rails running from the top to the bottom. Said cages must be safely constructed; they must be furnished with sheet-metal covers adequate to protect persons riding thereon from falling objects; they must be equipped with safety catches. Every cage on which persons are carried must be fitted with iron bars or rings in proper place and sufficient number to furnish a secure hand-hold for every person permitted to ride thereon. There shall be attached to every cage on which men are, or may be, hoisted or lowered, a horn or other device with which signals can be given on the cage. *Hoisting ropes when socketed at the cage shall be cut off and resocketed at least once each six months and a notice shall be posted in the engine room giving the date when the rope was installed and when resocketed.*

(d) In connection with every hoisting engine used for hoisting or lowering of men there shall be provided as follows:

BRAKE ON DRUM.] (1) A good and sufficient brake on the drum, so adjuted that it may be operated by the engineer without leaving his post at the levers.

FLANGES.] (2) Flanges attached to the sides of the drum, with a distance when the whole rope is wound on the drum of not less than 4 inches between the outer layer of rope and the greatest diameter of the flange.

ROPE FASTENINGS.] (3) One end of each hoisting rope shall be well secured on the drum, and at least three laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft.

The lower end of each rope shall be securely fastened to the cage by suitable sockets and chains.

INDICATOR.] (4) An index dial or indicator that plainly shows the engineer at all times the true position of the cages in the shaft.

SIGNALS.] (e) At every mine where men are hoisted and lowered by machinery there shall be provided means of signaling to and from the bottom man, the top man and the engineer. The signal system shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air or other pneumatic devices, or by ringing a bell. When compressed air or other pneumatic devices are used for signaling, provision must be made to prevent signal from repeating or reversing. The following signals shall be used at mines where signals are required:

From the bottom to the top: One ring or whistle shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that men are coming up or going down; when return signal is received from the engineer the men shall get on the cage and the proper signal to hoist or lower shall be given.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

Six rings or whistles shall signify hold cage perfectly still until signaled otherwise.

From top to bottom, one ring or whistle shall signify: All ready, get on cage.

Two rings or whistles shall signify: Send away empty cage.

Provided, that the operator of any mine may, with the consent of the inspector, add to this code of signals in his discretion. The code of signals in use at any mine shall be conspicuously posted at the top and at the bottom of the shaft, and in the engine room at some point in front of the engineer when standing at his post.

GAUGES.] (f) Every boiler shall be provided with a glass water gauge and not less than three try cocks and also a steam gauge, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the steam gauge may be placed in said steam drum; and other steam gauge shall be attached to the steam pipe in the engine house, each to be placed in such a position that the engineer and the fireman can readily see what pressure is being carried. Such steam gauges shall be kept in good order and adjusted and be tested as often, at least, as every six months.

SAFETY VALVES.] (g) Every boiler shall be provided with a safety valve with weights or springs properly adjusted, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the safety valve may be placed in said steam drum.

INSPECTION OF BOILERS.] (h) All boilers used in generating steam in and about coal mines or sinking shafts shall be kept in good order, and the operator of every coal mine where steam boilers are in use shall have said boilers thoroughly examined and inspected by a competent boilermaker or other qualified person, not an employee of said operator, as often as once in every six months, and oftener if the mine

inspector shall so require in writing, and the result of every such inspection shall be reported on suitable blanks to said mine inspector.

RUN-AROUND AT BOTTOM.] (i) At every underground landing where men enter or leave the cage and where men must pass from one side of the cage to the other there shall be a *safe* passageway, free from obstruction and dry as possible, around the shaft not less than three feet wide for the use of men only; and animals or cars shall not be taken through such passageway while men are passing or desirous of passing through such passageway.

REFUGE PLACE ON SHAFT BOTTOM.] (j) A refuge place or places for men coming out at the close of the day's work shall be provided off the main bottom of cageroom in shaft mines, at a place or places and of such size as shall be approved by the State Mine Inspector. Such place or places shall be not more than 400 feet from the shaft, *where men are hoisted, and shall be kept free from loose material*. When leaving such refuge places to be hoisted out, the men shall be governed by the rules of the mine.

OBSTRUCTIONS IN SHAFT.] (k) No accumulation of ice or obstructions of any kind shall be permitted in any shaft in which men are hoisted or lowered; nor shall any dangerous gases or steam be discharged into said shaft in such quantities or at such times as to interfere with the safe passage of men. All surface or other water which flows therein shall be conducted by rings or otherwise to receptacles provided for the same in such manner as to prevent water from falling upon men while passing into or out of the mine or while in the discharge of their duties about the shaft bottom.

INSPECTION.] (l) All shafts by which men enter or leave the mine, and the passageways leading thereto, or to the works of a contiguous mine used as an escapement shaft shall be carefully examined at least once each week that the mine is operating and the date and findings of such an examination entered promptly in the books kept at the mine for that purpose. If obstructions to the free passage of men are found, their location and nature shall be stated in said report. Such obstructions shall be promptly removed.

§ 11. BUILDINGS ON THE SURFACE.] (a) After the passage of this Act, *all buildings and structures erected over a shaft, slope or drift mouth, and within one hundred (100) feet of the same shall be of metal, rock, clay, cement, clay or cement products, or a combination of the same. All fan houses, tops of air and escape shafts and fan drifts shall also be constructed of the above mentioned materials or a combination thereof. In connection with above construction, wood may be used only for floors, windows, doors, or the frames for the same: Provided, that this paragraph shall not apply to mines employing ten (10) men or less.*

OIL AND OTHER EXPLOSIVES.] (b) No oils or similarly inflammable materials shall be stored within 100 feet of any hoisting or escapement shaft, nor in any mine.

All lubricating oil used in coal mines shall be contained in closed receptacles. In the mine, oil shall not be heated over a fire or lamp.

All explosive materials shall be stored in a fireproof magazine located on the surface not less than 500 feet from all other buildings in

connection with the mine, and such magazine shall be so placed as not to jeopardize the free and safe exit of men from the mine in case of an explosion at the magazine.

ENGINE AND BOILER-HOUSE.] (c) Any building erected after the passage of this Act, for the purpose of housing the hoisting engine or boilers at any mine, shall be substantially fireproof, and no boiler-house shall be nearer than sixty feet to the main shaft or other opening, or to any building or inflammable structure connecting therewith.

§ 14. VENTILATION.] (a) At every coal mine there shall be provided, supplied and maintained an amount of air which shall not be less than 100 cubic feet per minute for each person, and not less than 500 cubic feet per minute for each animal in the mine, measured at the foot of the downcast and of the upcast; except that in gaseous mines there shall be not less than 150 cubic feet of air per minute for each person in the mine. The inspector shall have power by order in writing to require these quantities to be increased.

(b) The main current of air shall be so split or subdivided as to give a separate current of reasonable pure air to every 100 men at work, and the inspector shall have authority to order, in writing, separate currents for smaller groups of men, if, in his judgment, special conditions render it necessary.

(c) Doors, curtains or brattices shall be placed at such places as may be designated by the mine manager, subject to the approval of the State inspector, to conduct into the working places an amount of air sufficient to render the working places reasonably free from deleterious air of every kind.

(d) Away from the pillar for the mine bottom, crosscuts between entries shall be made not more than sixty feet apart without permission of the State inspector of the district and then only in case of "faults." When such consent is given, brattice or other means must be provided within sixty feet of the face to convey the air to the working place until a cross-cut is opened up.

When undercut or sheared, the entry, cross-cut and room-neck may be advanced concurrently, but not more than one cutting shall be shot in the room-neck until the cross-cut is finished; and after the entry has advanced fifteen feet beyond the location of the new cross-cut, only one shot shall be fired in the entry to two in either or both the cross-cut and room-neck at the same shooting time.

When not undercut or sheared, the entry and cross-cut may be advanced concurrently, but no room shall be opened in advance of the last open cross-cut, and after the entry has advanced fifteen feet beyond the location of a new cross-cut only one shot shall be fired in the entry to two in the cross-cut at the same shooting time.

Not more than three shots shall be exploded at one shooting time ahead of the last open cross-cut.

(e) After the taking effect of this Act, the first cross-cut between all rooms off any entry shall not be more than sixty (60) feet from the rib of the entry. Additional cross-cuts shall not be more than sixty (60) feet apart.

(f) All cross-cuts connecting inlet and outlet air courses, except the last one nearest the face, shall be closed with substantial stoppings

to be made as nearly air-tight as possible. In the making of the air-tight partitions or stoppings, no loose material or refuse shall be used.

Cross-cuts between rooms, except the one nearest the face, shall be closed sufficiently to carry to the working places the amount of air required by law.

(g) All possible care and diligence shall be exercised in the examination of working places, especially for the investigation and detection of explosive gases therein, and where found, such gas shall be removed by a special current of air produced by bratticing or from a pipe, before men are permitted to work in such places with other lights than safety lamps.

(h) If, in any mine, the conditions are such that in the judgment of the mine manager or the judgment of the State Mine inspector expressed in writing, it is necessary to use safety lamps only in working said mine, other lights shall not be used therein.

(i) The air from the outlet of the stable shall not pass into the intake air current used for ventilating the working parts of the mine.

(j) All doors in mines, used in guiding and directing the ventilating currents shall be hung and adjusted so as to close automatically.

(k) At all doors through which three or more drivers are hauling coal on any one shift, an attendant shall be employed on said shaft (shift) for the purpose of opening and closing said doors when trips of cars are passing to and from the workings: *Provided*, the mine inspector in case of specially dangerous conditions, shall have power to require in writing that an attendant be placed at doors through which less than three drivers pass. Places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars while attending to their duties: *Provided*, that in any or all mines, where doors are constructed in such a manner as to open and close automatically, attendants and places for shelter shall not be required.

(l) If the inspector shall find men working without the amount of air required by law, he shall at once notify the mine manager to increase the amount of air in accordance with the law. Upon the failure or refusal of the manager to act promptly, and in all cases where men are endangered by such lack of air, the inspector shall at once order the men affected out of the mine.

(m) In case the passageways, roadways or entries of any mine are so dry that the air becomes charged with dust, the operator of such mine must have such roadways regularly and thoroughly sprayed, sprinkled or cleaned.

(n) At all mines employing over 100 men underground, and in all mines generating fire damp, the ventilating fan shall be run both day and night; at all mines employing less than 100 men underground, the fan shall be run at its usual speed for six hours before men go into the mine to work. A recording pressure gauge shall be maintained in connection with each fan at all mines. *Provided*, nothing in this clause shall apply to mines employing ten men or less.

§ 16. CARS.] (a) When there is an open hook coupling on either end of the car, the hook and links must be attached so that when hanging down, the coupling will be clear of the ties and rails.

Mine cars in use when this Act shall become in force and effect shall be made to comply with this provision within one year thereafter.

(b) In mines opened after the passage of this Act, all mine cars shall be equipped with a bumper or bumpers on each end, which shall project from beyond the end of the car not less than four inches in length. This shall not be held to apply to mines employing ten men or less.

§ 18. OIL STANDARDS.] All illuminating oils or other illuminants used in coal mines shall conform to such specifications as shall be prescribed by the State Mining Board.

BRANDS OF OIL.] (b) All oils sold or offered for sale to be used for illuminating purposes in coal mines shall be stamped or branded upon the original barrel or package in which said oil is furnished to the person, firm or corporation selling or furnishing such oil to show that such oil has been tested and found to conform to the specifications prescribed by the State Mining Board.

PENALTY.] (c) Any person, firm or corporation, either by themselves, agents or employees, selling or offering to sell for illuminating purposes in any mine in this State any oil not complying with the specifications of the State Mining Board as suitable for illuminating purposes as contemplated in this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense; and any mine owner or operator or employee of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used, for illuminating purposes in any mine in this State any oil, the use of which is forbidden by this Act, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than twenty-five dollars.

SAMPLING AND TESTING.] (d) The State mine inspectors shall have authority to sample all oil used for illuminating purposes in the mines of this State, or kept on hand for use or for sale at such mines, and for such purpose they may enter upon the premises of any person. It shall be their duty to send to the State Mining Board to be tested a sample of any oil they have reason to suspect does not comply with the specifications of the State Mining Board in regard to illuminating oil for use in mines; and if the said sample of oil is found after suitable tests not to comply with the provisions of this Act, the person using said oil or selling or offering the same for sale, shall be prosecuted in accordance with the provisions of this Act.

§ 19. AMOUNT OF POWDER KEPT IN MINE.] (a) No blasting powder, or other explosives, shall be stored in any coal mine, and no workman shall have at any time in the mine more than thirty-five pounds of black powder nor more than twenty-five pounds of permissible explosives, nor more than three pounds of other high explosives: *Provided*, that nothing in this section shall be construed to prevent the operator of any mine from taking into the mine, when miners are not therein, and in electrically equipped mines, while the current is turned off on roadways through which it is transported, a sufficient quantity

of powder for the reasonable requirements of such mine for the next succeeding working day. The delivery of powder into coal mines shall be during the interval after the shot firers have come out of the mine and prior to the entry of the day shift into the mine in the morning; but in the interim before such powder is delivered to the men, it shall be kept in a closed receptacle.

Explosives shall not be carried in the same car with tools or other materials.

PLACE AND MANNER OF KEEPING IN THE MINE.] (b) Every person who has powder or other explosives in a mine shall, keep the same in a wooden box securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and all powder boxes shall be kept as far as practicable from each other and each in a scheduled place. Black powder and high explosives or caps shall not be kept in the same box. Detonating explosives and detonators shall not be kept in the same box.

MANNER OF HANDLING.] (c) Whenever a workman is about to open a box or keg containing powder or other explosive, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current can not convey sparks to it, and no person shall approach nearer than five feet to an open box containing an open keg of powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire. No miner, workman or other person shall open any receptacle containing an explosive except by the means of opening the same provided by the manufacturer thereof, and it shall be unlawful for any person to have in his possession in any mine any receptacle containing explosives which has been opened in violation of this Act.

QUALITY OF POWDER IN ONE CHARGE.] (d) The quantity of powder to be used in the preparation of shots shall not, in any case, exceed five standard chargers full of powder in coal seams five and one-half feet or over in thickness; and shall not, in any case, exceed four standard chargers full of powder in coal seams under five and one-half feet in thickness.

STANDARD CHARGER.] (e) For the purpose of determining the quantity of powder to be used in the preparation of any given shot, a standard charger is defined and prescribed to be a cylindrical metallic charger not to exceed twelve inches in length and not to exceed one and one-half inches in diameter.

DEAD HOLES.] (f) No person shall drill or shoot a dead hole as hereinafter defined. A "dead hole" is a hole where the width of the shot at the point measured at right angles to the line of the hole is so great that the heel is not of sufficient strength to at least balance the resistance at the point. The heel means that part of the shot which lies outside of the powder.

In solid shooting, the width of the shot at the point, in seams of coal six feet or less in height, shall not be greater than the height of the coal, and in seams of coal more than six feet in thickness, the width of the shot at the point shall, in no case, be more than six feet.

In undercut coal, no hole shall be drilled "on the solid" for any part of its length.

MIXED SHOTS.] (g) In no case shall more than one kind of explosive be used in the same drill hole.

COPPER TOOLS.] (h) The needle used in preparing a blast shall be made of copper, and any metallic tamping-bar or scraper which is used for placing explosives for shots shall be tipped with at least five inches of copper. A scraper shall not be used for tamping.

TAMPING.] (i) Every blasting hole shall be tamped full from the explosive to the mouth of the hole, and no coal dust or any material that is inflammable or that may create a spark, whether the same shall be wet or dry, shall be used for tamping.

USE OF SQUIBS.] (j) When a squib is used to fire a shot it shall be unlawful to shorten or oil the match of the squib or to ignite it except at the end.

WARNING BEFORE FIRING.] (k) Before firing a shot, the person firing the same shall see that all persons are out of danger from the probable effects of such shot, and shall take measures to prevent any one approaching by shouting "fire" before lighting the same.

NOT MORE THAN ONE SHOT AT A TIME.] (l) Not more than one shot shall be lighted at the same time in any working place unless the firing is done by electricity or by fuses of such length that the interval between the explosions of any two shots shall be not less than one minute, and in no case shall any shot or shots be fired or lighted which are termed depending or dependent shots, until after the expiration of ten minutes from the successful firing of the relieving shot or shots. When successive shots are to be fired in any working place in which the roof is broken or faulty, the smoke shall be allowed to clear away and the roof examined and made secure between shots.

MISSED SHOTS.] (m) No person shall return to a missed shot, if lighted with a squib, until five (5) minutes have elapsed from the time of lighting the same, or, if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery.

(n) No missed shot shall be withdrawn excepting by the use of copper-tipped or wooden tools.

§ 20. (a) It shall be the duty of the mine manager:

1. To visit each working place in the mine at least once in two weeks.

2. To provide a suitable checking system whereby the entrance and departure from the mine of each employee shall be indicated.

3. To have the underground workings of the mine examined by a certificated mine examiner within eight hours preceding every day upon which the mine is to be operated. Such a mine examiner shall make the examination as provided in this Act, and he shall enter his report thereof with indelible pencil or ink in a well bound or properly protected loose leaf book provided for that purpose, before the men are permitted to enter the mine in the morning. *This* book shall be kept in some convenient place on top, but not in the engine room, for the information of the inspector and other persons interested therein.

4. To examine the mine examiner's report in the morning, and if the working places are reported dangerous, he shall withhold the entrance checks of men working in such places until he has taken every

proper precaution to advise such men of the danger and instructed them not to work in such places until the reported danger has been removed, except for the purpose of removing same.

5. When there is to be a night shift mining coal, the mine manager shall require the places in which such night shift are expected to work to be examined for gas, or falls or dangerous roof, by the person in charge of such night shift or some competent person duly authorized by him before the men enter such places for work. The night shift may go into the mine while the night examiner is in the mine, excepting in mines where marsh gas has been detected in dangerous quantities, provided they do not go into the working places until the required examination is made.

Certificated mine examiners shall not be required for the examination preceding the night shift, excepting in mines where marsh gas is detected in dangerous quantities. The night examiner, or examiners, shall make a record of their examination in a special book kept for that purpose, which shall be kept in some convenient place on top when not in use by the examiner.

6. He shall provide a sufficient number of props, caps and timbers, when demanded, delivered on the miners' cars at the usual place, in suitable lengths and dimensions for the securing of the roof by the miners.

7. He shall see that the cross-cuts are made at proper distances apart, and that the necessary doors, curtains, and brattices are provided to secure the men in the mine the volume of aid required by this Act, or by the written demands of the mine inspector; also, that all stoppings along air-ways are properly and promptly built.

8. He shall keep careful watch over all ventilating apparatus, and the air currents in the mine, and in case of accident to fan or machinery by which the air currents are stopped or materially obstructed, he shall at once order the withdrawal of the men from the mine and prohibit their return until the required ventilation has been re-established.

9. He shall measure the air current or cause the same to be measured at least once each week at the inlet and outlet, and shall keep a record of such measurements for the information of the mine inspector.

10. He or his assistants shall, at least once a week, examine the roadways leading to the escapement shaft or other openings for the safe exit of men to the surface; and shall make a record of any obstructions or other unsafe conditions existing therein, and cause the same to be promptly removed.

11. He shall examine or designate a competent person to examine the hoisting ropes, cages and safety catches every morning, and shall require the ropes to be tested by hoisting the cages before the men are lowered.

12. He must see that the top man and bottom man are on duty and that sufficient lights are maintained at the top and bottom landings when the miners are being hoisted and lowered.

13. The mine manager or his assistant shall be at his post at the mine when the men are lowered into the mine in the morning for work, and shall remain at night until all the men employed during the day shall have been hoisted out.

14. He shall give special attention to and instructions concerning the proper storage and handling of explosives in the mines.

15. He shall see that all dusty haulage roads are regularly and thoroughly sprayed, sprinkled or cleaned at regular intervals when the health and safety of the men in the mines demand.

(b) The mine manager shall have power:

1. To instruct employees as to their respective duties and to require of all employees obedience to the provisions of the mining law.

2. To prescribe special rules concerning the proper storage and handling of explosives in the mine and concerning the time and manner of placing and discharging the blasting shots, and it shall be unlawful for any miner to fire shots except according to such rules.

3. In mines in which the works are so extensive that all the duties devolving upon the mine manager cannot be discharged by one man, competent persons may be designated and appointed as assistants to the mine manager, who shall exercise his functions under the mine managers' instruction.

§ 21. CERTIFICATED MINE EXAMINERS.] (a) A certificated mine examiner shall be required at all coal mines. There shall be one or more additional certificated mine examiners whenever required in writing by the State mine inspectors when the conditions are such as to make the employment of such additional mine examiners necessary.

(b) It shall be the duty of the mine examiner:

1. To examine the underground workings of the mine within eight hours preceding every day upon which the mine is to be operated.

2. When in the performance of his duties, to carry with him a safety lamp in proper order and condition and a rod or bar for sounding the roof.

3. To see that the air current is traveling in its proper course and in proper quantity; and to measure with an anemometer the amount of air passing in the last cross-cut or break-through of each pair of entries, or in the last room of each division in long-wall mines, and at all other points where he may deem it necessary; and to note the result of such measurements in the mine examiner's book kept for that purpose.

4. To inspect all places where men are required in the performance of their duties to pass or to work, and to observe whether there are any recent falls or dangerous roof or accumulations of gas or dangerous conditions in rooms or roadways; and to examine especially all roadways leading to escapement shafts or other openings for the safe exit of men to the surface, the edges and accessible parts of recent falls and old gobs and air-courses.

5. As evidence of his examination of said rooms and roadways, to inscribe in some suitable place on the walls of each, not on the face of the coal, with chalk, the month and the day of the month of his visit.

6. When working places are discovered in which there are recent falls or dangerous roof or dangerous conditions, to place a conspicuous mark or sign thereat as notice to all men to keep out; and in case of accumulation of gas, to place at least two conspicuous obstructions across the roadway not less than twenty feet apart, one of which shall be outside the last open cross-cut.

7. Upon completing his examination, to make a daily record of the same in a book kept for that purpose, for the information of the company, the inspector and all other persons interested; and this record shall be made each morning before the miners are permitted to enter the mine.

8. To take into his possession the entrance checks of all men whose working places have been shown by his examination and record to be dangerous, and to give such entrance checks to the mine manager before the men are permitted to enter the mine in the morning.

APPROVED June 27, 1913.

OIL INSPECTION—OIL INSPECTORS

1. Amends section 1, Act of 1874.

§ 1. As amended, adds provision for fees in lieu of salary.

(SENATE BILL No. 349. APPROVED JUNE 27, 1913.)

AN ACT *to amend section 1 of an Act entitled, "An Act to revise the law in relation to oil inspection," approved March 12, 1874, in force July 1, 1874, as amended by an Act approved May 29, 1911, in force July 1, 1911.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act to revise the law in relation to oil inspection," approved March 12, 1874, in force July 1, 1874, as amended by an Act approved May 29, 1911, in force July 1, 1911, be and the same is hereby amended so as to read as follows:

§ 1. APPOINTMENT OF INSPECTORS—TERM OF OFFICE—FEES—SALARY.] The mayor of any city, with the approval of the city council, the president of the Board of Trustees of any village or incorporated town, with the approval of such Board of Trustees, may, and on the petition of any five inhabitants thereof, shall, appoint one or more inspectors for the inspection of coal oil, petroleum, naphtha, gasoline, benzine, and other mineral oils or fluids, fix the compensation of such inspectors and prescribe the fees to be paid by those for whom such inspectors render services. The county judge of any county may appoint such inspectors for territory not within city limits, village, or incorporated town, fix their compensation and fees. Every such inspector shall hold office for one year, and until his successor is qualified, and with the approval of the power appointing him, may appoint deputies, for whom he shall be responsible, who shall take the same oath and be liable to the same penalties as the inspector. All fees collected by such inspector or deputy shall be paid by him into the county, city, village or town treasury and be the property of such county, city, village or town. The salary of such inspector shall not exceed five thousand dollars (\$5,000) per year: *Provided*, that any city having a population of less than one hundred thousand (100,000), or any village or town may by ordinance provide that such inspector or deputy shall receive in lieu of salary the fees collected by him.

APPROVED June 27, 1913.

RELIEF—CHERRY MINE SUFFERERS, BALANCE UNEXPENDED

Preamble.

§ 1. Appropriates \$43,025.18.

§ 2. How drawn.

§ 3. Emergency.

(HOUSE BILL NO. 669. APPROVED JUNE 20, 1913.)

AN ACT *making an appropriation to cover the unexpended balance of moneys heretofore appropriated for the relief of the suffering and destitute miners and the families and dependents of miners who lost their lives in the mine disaster at Cherry, Illinois, which lapsed and was covered back into the State treasury by the Board of Administration.*

WHEREAS, The Forty-sixth General Assembly, at the special session thereof, begun and held on the 14th day of December, A.D. 1909, by an Act entitled, "An Act making an appropriation for the relief of the suffering and destitute miners at Cherry, Illinois, and the families and dependents of miners who lost their lives in the mine disaster at Cherry, Illinois," approved and in force February 18, 1910, appropriated the sum of one hundred thousand dollars (\$100,000) for the relief of the suffering and destitute miners at Cherry, Illinois, and the families and dependents of miners who lost their lives in the mine disaster at Cherry, Illinois, and made it the duty of the Board of Administration "to distribute the money herein appropriated to the persons intended to be benefited by this Act and to use said money for the benefit of the persons intended to be relieved in such manner as in its judgment will best relieve such suffering and destitute people;" and

WHEREAS, The Board of Administration immediately entered upon the discharge of its duties under said Act, and disbursed and expended a part of the moneys thereby appropriated for the relief of the persons intended to be benefited by said appropriation; and

WHEREAS, In the judgment of the Board of Administration the interests of the beneficiaries could not properly be subserved by paying out all of the one hundred thousand dollars (\$100,000) prior to September 30, 1911, but, in the judgment of the Board of Administration, the interests of said beneficiaries would be better subserved by the payment to such beneficiaries of small sums in periodical payments; and

WHEREAS, In order to prevent the unexpended balance of said appropriation lapsing on September 30, 1911, the Board of Administration, prior to September 30, 1911, upon requisition signed by said board and attested by its seal, authorized the Auditor of Public Accounts to issue warrants and the Treasurer to pay such warrants for the unexpended balance of said appropriation, which money was placed under the immediate control of the Board of Administration; and

WHEREAS, The receipts and disbursements of the fund placed under the immediate control of the Board of Administration from October 1, 1911, to April 16, 1913, inclusive, and the cash on hand remaining unexpended at the close of the period has been as follows:

| | |
|---|-------------|
| Unexpended balance of appropriation drawn from State treasury with interest accruing to and including September 30, 1911..... | \$42,292.27 |
| Interest accruing to April 16, 1913..... | 732.91 |
| Total | \$43,025.18 |
| Expended from October 1, 1911, to April 16, 1913, inclusive | 35,199.00 |

Balance in hands of Board of Administration April 16, 1913 \$ 7,826.18
and

WHEREAS, Since September 30, 1911, the Board of Administration has disbursed on account of the beneficiaries the sum of \$35,199 in such manner as in its judgment best relieved such suffering and destitute people; and

WHEREAS, The cost of administering the funds paid out of the \$100,000 appropriation has only been \$100 for postage and \$30 for premiums on an official bond, which is approximately only fourteen hundredths of one per cent of the total amount disbursed to said beneficiaries; and

WHEREAS, On March 19, 1913, the Board of Administration asked the Attorney General of the State of Illinois for an opinion as to whether certain accrued interest on the fund taken from the State treasury and placed in the hands of the Board of Administration should be paid into the State treasury or to the beneficiaries under said Act; and

WHEREAS, On March 24, 1913, in an opinion addressed to the Board of Administration, the Attorney General held "that the unexpended part of the appropriation did lapse and that the same, together with the accrued interest, should be paid into the State treasury;" and

WHEREAS, The Attorney General suggested "should any appropriation still be necessary in order to render assistance to the beneficiaries under said Act, the matter may very properly be brought to the attention of the Legislature, which has power to act in the matter;" and

WHEREAS, Installments to the beneficiaries have heretofore been paid by the Board of Administration every two weeks, which have been principally used for food, clothing and other necessities of life, and unless remedial legislation is immediately enacted, these payments will necessarily cease; and

WHEREAS, On the 21st day of April, A.D. 1913, the Board of Administration, acting under the said opinion of the Attorney General, caused to be covered into the State treasury the sum of forty-three thousand twenty-five and 18-100 dollars (\$43,025.18), which sum includes the amount so disbursed by the Board of Administration and the amount under the control of said Board of Administration and not disbursed, together with accrued interest thereon; and

WHEREAS, An appropriation of forty-three thousand twenty-five and 18-100 dollars would be the same amount as was covered in the State treasury on the 21st day of April, A.D. 1913, and the appropriation would not in any way increase the taxes of the people of the State of Illinois; and

WHEREAS, The money so paid out to the beneficiaries after September 30, 1911, was paid out in good faith; now therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of forty-three thousand twenty-five and 18-100 dollars (\$43,025.18) be and the same is hereby appropriated for the reimbursement of the Board of Administration for the sums so paid out by it under said appropriation Act, approved and in force February 18, 1910, balance on hand, interest accrued and so caused to be covered by it into the State treasury on the 21st day of April, A.D. 1913.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sum of forty-three thousand twenty-five and 18-100 dollars (\$43,025.18), payable to said Board of Administration upon requisitions signed by said board and attested by its seal and the Treasurer is hereby authorized to pay same out of any money on hand not otherwise appropriated.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force and effect from and after its passage.

APPROVED June 20, 1913.

RELIEF—UNITED MINE WORKERS OF AMERICA, DISTRICT No. 12,
MONEYS ADVANCED

| | |
|---|-----------------|
| § 1. Appropriates \$3,355.14 for moneys advanced —items named. | § 2. How drawn. |
|---|-----------------|

(HOUSE BILL No. 324. APPROVED JUNE 23, 1913.)

AN ACT to make an appropriation to reimburse the United Mine Workers of America, District Number Twelve, for moneys advanced County Miners' Examining Board of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand three hundred and fifty-five dollars, fourteen cents (\$3,355.14) be and the same is hereby appropriated to reimburse the United Mine Workers of America, District Number Twelve, of the State of Illinois, for moneys advanced as follows:

Christian County, \$71.00; Clinton County, \$5.00; Grundy County, \$277.23; Henry County, \$204.44; Jackson County, \$189.33; Logan County, \$342.90; McLean County, \$162.00; Macon County, \$93.15; Marshall County, \$33.58; Menard County, \$161.38; Mercer County, \$165.82; Peoria County, \$272.45; Scott County, \$59.00; Randolph County, \$171.00; Tazewell County, \$654.83; Washington County, \$118.50; Woodford County, \$247.53; Will County, \$126.00. Total, \$3,355.14.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer, payable to the treasurer of the United Mine Workers, District Number Twelve, for the total sum herein specified upon presentation of proper receipted bills and vouchers and the State Treasurer shall pay the same out of the funds in the State treasury not otherwise appropriated.

APPROVED June 23, 1913.

ROADS AND BRIDGES—REVISION OF 1913

Article 1. Definitions.

Article 2. (§§ 2-7). State Highway Department.

Article 3. (§ 8.) County superintendents of highways.

Article 4. (§§ 9-33). State aid.

Article 5. (§§ 34-39). Bridges and improvements constructed and repaired by a county at the joint expense of a county and any town or road district therein.

Article 6. (§§ 40-129). Town and district organization and administration for highway purposes.

Subdivision 1. (§§ 40-41). Organization: Division into towns and districts.

Subdivision 2. (§§ 42-54). Highway officers: Their election, powers, duties and compensation.

Subdivision 3. (§§ 55-62). The raising of revenue for highway purposes and the application thereof.

Subdivision 4. (§§ 63-67). Provisions specially applicable to bridges and improvements constructed or repaired at the joint expense of two adjoining towns or districts.

Subdivision 5. (§§ 67-72). The letting of contracts.

Subdivision 6. (§§ 73-104). Laying out, altering, vacating, widening roads.

Subdivision 7. (§§ 105-107). Repair and maintenance of roads and bridges.

Subdivision 8. (§§ 108-129). Gravel, rock and macadam—hard roads.

Article 7. (§§ 130-138). Certain provisions applicable generally to highway officials.

Article 8. (§§ 139-157). Law of the road: Offenses and penalties.

Article 9. (§§ 158-167). Optional—single highway commissioner system provided for.

Article 10. (§§ 168-169). Act construed—statutes repealed.

(HOUSE BILL NO. 843. APPROVED JUNE 27, 1913.)

AN ACT to revise the law in relation to roads and bridges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the laws relating to roads and bridges be and they hereby are codified, revised and amended, with articles, subdivisions, and sections entitled, numbered and to read as follows:

ARTICLE I.

DEFINITIONS.

SECTION 1 (a). STATE ROAD AND BRIDGE FUND.] That the term "State Road and Bridge Fund," when used herein, shall mean all moneys appropriated by the State of Illinois for road and bridge purposes.

(b) STATE AID ROADS.] The term "State Aid Roads" herein shall mean all roads or bridges constructed, repaired or improved at the joint expense of the State and any county or counties within the State as hereinafter specified.

ARTICLE II.

STATE HIGHWAY DEPARTMENT.

§ 2. STATE HIGHWAY DEPARTMENT—(A) ESTABLISHED.] There is hereby created a department, to be known as the State Highway Department, the officers of which shall consist of the members of the State Highway Commission, the Chief State Highway Engineer, the Assistant State Highway Engineer and the various subordinate officers hereinafter specified and set forth.

(B) OFFICES.] The Secretary of State shall provide for the State Highway Department suitably furnished offices in the capitol building at Springfield and shall provide therefor suitable blanks, stationery, printed matter and other office supplies.

§ 3. STATE HIGHWAY COMMISSION—(A) OFFICE CREATED.] The Governor shall, by and with the advice and consent of the Senate, within thirty days after this Act shall take effect, appoint three State highway commissioners (no more than two of said persons shall belong to or be affiliated with the same political party, nor shall they be actively engaged in any other business, occupation or profession, but shall devote all their time to the work of said commission), to hold office one for two years, one for four years and one for six years, from and after the date of their appointment and qualification and until their respective successors are appointed and qualified, and they shall constitute and be known as the "State Highway Commission." And on the first day of March, 1916, and at the end of every two years thereafter, the Governor shall, in like manner and by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall have then expired, to serve as such commissioner for the term of six years and until his successor is appointed and qualified. One person appointed on the board shall be, and shall be designated in the appointment, the president, who shall be the executive officer of the board. Two of said commissioners shall constitute a quorum.

(B) OATH—BOND.] The members of the said State Highway Commission before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State for State officers, and said oath shall be filed in the office of the Secretary of State. They shall also execute a good and sufficient bond to the State in the sum of not less than \$10,000.00 each, conditioned upon the faithful performance of their duties, said bond to be approved by the Governor, and then filed with the Secretary of State.

(C) SALARY—EXPENSES.] The said State Highway Commissioners shall each receive an annual salary of three thousand five hundred dollars (\$3,500.00), and in addition thereto they shall be allowed their actual and necessary traveling expenses incurred in attending to official business. Said commissioners may also incur necessary expenses for clerk hire and other incidental expenses, proper and necessary for the carrying out of the provisions of this Act, as well as for the general purposes hereinafter indicated.

(D) GENERAL POWERS AND DUTIES.] The commission provided for herein shall:

(1) Have general supervision of highways and bridges which are constructed, improved or maintained in whole or in part by the aid of State moneys.

(2) Prescribe rules and regulations not inconsistent with law, fixing the duties of all persons employed in the State Highway Department and the various county superintendents of highways. Such rules and regulations shall, before taking effect, be printed and transmitted to the highway officials affected thereby.

(3) Aid county superintendents of highways and town and district commissioners of highways in establishing grades, preparing suitable systems of drainage and advise them as to the construction, improvement and maintenance of highways and bridges.

(4) Employ such clerical and other assistants as they may deem necessary to properly carry on the work of their office.

(5) Cause plans, specifications and estimates to be prepared for the repair and improvement of highways and the construction and repair of bridges when requested so to do by a county superintendent of highways or by a highway commissioner of any town or road district therein.

(6) Investigate and determine upon the various methods of road and bridge construction adapted to different sections of the State and as to the best methods of construction and maintenance of highways and bridges.

(7) Compile statistics relating to public highways throughout the State and collect such information in regard thereto as they shall deem expedient.

(8) Aid at all times in promoting highway improvement throughout the State and perform such other duties and have such other powers in respect to highways and bridges as may be imposed or conferred upon them by law.

(9) Approve and determine the final plans, specifications and estimates for all State aid roads upon the receipt of the report of the plans, specifications and estimates of the State Highway Engineer as provided herein.

(10) Let all contracts for the construction or improvement of State aid roads.

(11) Prescribe a system of auditing and accounting for all road and bridge moneys for the use of all highway officials, which system shall be as nearly uniform as practically possible.

(12) Perform all other duties prescribed in this Act or reasonably inferable therefrom.

§ 4. STATE HIGHWAY ENGINEER—(A) APPOINTMENT.] As soon as practicable after the taking effect of this Act, the Governor shall appoint a Chief State Highway Engineer and an assistant State highway engineer who shall each be competent civil engineers, and experienced and skillful in highway construction and maintenance. The said chief State Highway Engineer shall receive a salary of four thousand dollars (\$4,000) per annum, and the assistant chief State highway engineer shall receive a salary of twenty-five hundred dollars (\$2,500) per annum, and, in addition thereto, they shall be allowed their actual traveling and other expenses incurred under the provisions of this Act. They shall each hold office for the period of six years and until their respective successors are appointed and qualified.

(B) OATH—BOND.] Said Chief State Highway Engineer and his assistant, before entering upon the duties of their respective offices, shall each take the oath prescribed by the Constitution of this State for State officers and said oath shall be filed in the office of the Secretary of State.

If demanded by the Governor, the said Chief State Highway Engineer and his assistant shall be required to execute a good and sufficient bond in such sum as the Governor shall prescribe, conditioned upon

the faithful performance of their duties, said bond to be approved by the Governor and then filed with the Secretary of State.

(C) POWERS AND DUTIES.] The said Chief State Highway Engineer and the said assistant State highway engineer shall be the administrative and technical agents of the State Highway Commission, and shall be generally subject to the orders of the said State Highway Commission. The said Chief State Highway Engineer and the assistant aforesaid may at all reasonable times be consulted by county, township or road district officers having authority over roads and bridges relative to any question involving such highways and bridges.

§ 5. CIVIL SERVICE.] With the exception of the State Highway Commission, the Chief State Highway Engineer and the assistant State highway engineer, the appointment of all assistant agents or clerks or other employees of the State Highway Department shall be subject to the laws of this State relating to the civil service.

§ 6. REMOVAL FROM OFFICE—VACANCY.] The Governor shall have the power to remove the State Highway Commission, the State Highway Engineer and the assistant State highway engineer from their respective offices for incompetency, neglect of duty or malfeasance in office. In case of a vacancy in either of said offices the said vacancy shall be filled by appointment by the Governor by and with the advice and consent of the Senate. When the Senate is not in session, the Governor may make an appointment to fill a vacancy, but any appointment made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent.

§ 7. DUTIES OF PRESENT STATE HIGHWAY COMMISSION TERMINATED.] Upon the appointment of a State Highway Commission, under the provisions of this Act, the present State Highway Commission shall terminate and the members thereof shall turn over all books, maps, papers, plans and other things pertaining to their office to the State Highway Commission herein provided for.

ARTICLE III.

COUNTY SUPERINTENDENTS OF HIGHWAYS.

§ 8. COUNTY SUPERINTENDENTS OF HIGHWAYS—(A) APPOINTMENT.] In each and every county of the State there shall be a county superintendent of highways to be appointed in the manner following: Within ninety days after this Act shall become effective, the county board of each county shall submit to the State Highway Commission a list of from three to five persons, residents of the county, considered desirable candidates for the office of county superintendent of highways. The State commission shall thereupon determine by competitive examination from among the names submitted, the person or persons best fitted for said office, and shall thereupon certify the same to the county board submitting such list, who shall then make an order appointing, from the number found eligible, one such person superintendent of highways for such county: *Provided, however*, that if on the list submitted there is found no person qualified for the position the county

board shall in like manner submit a further list and if on this second list no one is found qualified the county board may employ some person other than a resident of the county and who has passed satisfactorily the examination presented by the State Highway Commission. No part of any moneys appropriated by the State for the building and maintaining of State aid roads shall be apportioned to any county until such county superintendent of highways shall have been appointed.

(B) TERM OF OFFICE—SALARY.] The term of office of each county superintendent of highways shall be six years and until his successor is duly appointed and qualified. He shall receive a salary payable out of the general funds of the county in a sum to be fixed by the county board.

(C) REMOVAL.] Any county superintendent of highways may be removed from office by the county board of his county for incompetence, neglect of duty or malfeasance in office.

(D) POWERS AND DUTIES.] The county superintendent of highways shall, subject to the rules and regulations of the State Highway Commission:

(1) Prepare plans, specifications and estimates for all bridges to be built by the county. Such plans and specifications, before being finally adopted, shall be submitted to the State Highway Commission and approved by them.

(2) Act for the county in all matters relating to the supervision of the construction and maintenance of any road or bridge constructed or maintained at the entire expense of the county or at the joint expense of the county and any town or road district therein, as hereinafter set forth.

(3) Visit and inspect the highways and bridges in each town or district of his county, at least once in each year and whenever directed so to do by the State Highway Commission, or the State Highway Engineer, and advise and direct the highway commissioners of the several towns or districts in his county as to the best methods of repair, maintenance and improvement of highways and bridges.

(4) Subject to the direction of the State Highway Commission, to supervise the repair and maintenance of all State aid roads within his county.

(5) Keep a record of all contracts or purchases of materials, machinery or apparatus to be used in road construction in excess of two hundred dollars (\$200) approved by him in any town or district as hereinafter provided.

(6) Perform such other duties as may be prescribed by law, the rules and regulations of the State Highway Commission or the direction of the State Highway Engineer in conformity thereto. Other than as above specifically indicated, the county superintendent of highways shall, to all intents and purposes, be regarded as a deputy to the State Highway Engineer: *Provided, however*, that no county superintendent of highways shall be required, without his consent, and the consent of the board of supervisors, or the board of county commissioners, of the county in whose employ he is to perform services in any other county.

(E) VACANCY.] In case the office of county superintendent of highways in any county shall at any time be vacant, and a temporary emergency shall arise requiring that some duly qualified official perform the duties of said office, then the State Highway Commission may designate any competent person to perform the duties of such office during the existence of such temporary emergency.

ARTICLE IV.

STATE AID.

§ 9. STATE AID AUTHORIZED.] Public highways, or sections thereof, including bridges therein, may be laid out, improved, or constructed at the joint expense of the State and any county within the State as hereinafter provided. In such case the State shall contribute one-half the expense thereof and the county, or counties, through which the said highway or portion thereof passes shall contribute the remaining one-half. Such highways hereinafter known as "State Aid Roads" may be laid out, constructed or improved in the manner hereinafter directed: *Provided, however*, that no road or part thereof lying within the corporate limits of any city or village within this State shall be improved or constructed with State aid.

§ 10. At their next regular or special meeting following the passage of this Act it shall be the duty of the supervisors in counties under township organization, or the board of county commissioners in counties not under township organization, to designate those public highways within their respective counties that shall come under the provisions of this Act. The highways to be designated by the county boards shall be as nearly as possible those highways connecting the principal cities and trading points in each county with each other, and also with the principal cities and trading points in other counties.

§ 11. Such highways shall not include any portion of a public highway within the corporate limits of any city or village; nor shall the total mileage of such highways in any county exceed, in counties of the first class, more than fifteen per centum of the total public road mileage of that county, nor exceed twenty per centum of the public road mileage in counties of the second class, and shall not exceed twenty-five per centum of the public road mileage in counties of the third class. By public roads it is understood to mean all public roads within the State except those within the limits of incorporated cities and villages; the public road mileage of the counties to be that as determined and published by the State Highway Commission.

§ 12. The county boards shall indicate the highways selected as aforesaid by marking them upon some map which shows the public roads and section lines in the county, and for this purpose existing atlas maps may be used, provided the roads selected are plainly marked thereon.

After the county boards have so selected the highways within their respective counties as aforesaid, and indicated the same on a map of the county, it shall be the duty of the county clerk immediately to forward said map, with his signature thereon attesting to the validity of the same, to the State Highway Commission. The State Highway

Commission shall examine the map with the roads located thereon, and if the roads selected in one county do not connect with the roads selected in another county to make convenient through roads between the various cities and trading points of the different counties, the State Highway Commission shall make such changes as will best serve to make the most direct routes between such cities and trading points of the different counties, and return to the county clerks the maps with the corrections shown thereon.

§ 13. If in the judgment of the State Highway Commission it becomes necessary to relocate the routes as selected by the county board for State highways in any county, the State Highway Commission may notify the respective boards who shall, at their special meeting when they are selecting the State highways, appoint a committee not to exceed five in number, who shall, if they choose, appear before the State Highway Commission, who shall give hearings on the relocation of the routes as first selected by the county boards. After taking into consideration the information thus presented by these special committees, the State Highway Commission shall then proceed to indicate the routes along which State aid roads may be constructed, as hereinafter provided. The highways selected by the county boards and shown on the maps as revised by the State Highway Commission, shall be the highways to which the provisions of this Act shall apply, and they shall not apply to any other public highways. After the county map has been finally corrected by the State Highway Commission, a copy shall be returned to the county clerk and a copy retained by the State Highway Commission.

§ 14. The county clerk shall enter the map returned to him among his official records, and no changes in the routes indicated thereon shall be made, except by a vote of the county board and with the approval of the State Highway Commission, as hereinafter indicated; and no changes whatever shall be made in the routes of such highways prior to three years after the filing of the first map thereof, except that in the event the routes as first selected and shown do not total a mileage equal to the percentage allowed for that county, additional roads may be added until the total percentage is equaled.

§ 15. If any county board shall fail within six months after the passage of this Act to forward to the State Highway Commission a map showing the routes selected for State aid roads, then the State Highway Commission may make such selection itself from the best information that may be available, and a copy of such map with the roads selected shall be sent to the county clerk of those counties whose boards have not made a selection within the six months as herein provided, which fact shall be indicated on the map submitted by the State Highway Commission; and it shall be the duty of the county clerk to file such map among his records.

§ 15a. The improvement of the system of State highways as herein provided shall be carried on as follows: From such appropriations as the General Assembly may from time to time make for the purpose of carrying out the provisions of this Act, there shall be allotted by the State Highway Commission each year for each county an amount that shall bear the same ratio to the total appropriation for that year that the total amount levied in each county for roads and bridges bears to the

total amount levied in the State for roads and bridges, as determined from the published reports of the Auditor of Public Accounts from the last year so reported: *Provided*, that to counties, in which more than 40 per cent of the total amount appropriated by the General Assembly for building roads is collected, including any amount collected for automobile and kindred licenses, and devoted to road building by such appropriation, there shall be allotted, under the provisions hereof, an amount equal to twenty-five per cent (25%) of the amount so collected in such county.

The sum so allotted to each county shall be used to defray the cost of constructing State aid roads when such work is carried on in conformity with the provisions of this Act: *Provided*, that the allotment made by the State shall not be used to defray more than one-half the cost of any improvement done under the provisions of this Act.

§ 15b. If for any reason any county shall within six months from the date of the allotment fail to provide and appropriate an amount equal to said allotment by the State Highway Commission for the purpose of constructing State aid roads then the amount so allotted shall be forfeited by said county and the same shall be re-allotted to those counties which have complied with the requirements herein contained.

§ 15c. It shall be considered sufficient acceptance of the allotment to a county of the State appropriation for the construction of State aid roads, if a county board shall give notice to the State Highway Commission that it has assessed a tax to raise its portion of the cost, or that it has passed an order submitting to a vote of the people the question of raising an additional tax for this purpose, or that it has passed an order submitting to a vote of the people the question of issuing bonds for this purpose. Otherwise, a county's allotment shall be considered forfeited, as provided in section 15b of this Act.

§ 16. PROCEEDINGS FOR CONSTRUCTION OF STATE AID ROAD—PRELIMINARY RESOLUTION OF COUNTY BOARD.] Whenever the county board of any county desires to initiate proceedings for the construction of a State aid road, along a route designated as aforesaid, such county board may proceed in the manner following. The county board may pass a resolution stating that the public interest demands the improvement of a highway or section thereof within the county, and requesting that it be constructed or improved as provided in this article. Such resolutions shall contain a description of such highway or section thereof. The county clerk shall, within ten days after the passage of such resolution, transmit a certified copy thereof to the State Highway Commission.

§ 17. EXAMINATION OF PROPOSED HIGHWAY—APPROVAL OR DISAPPROVAL BY COMMISSION.] As soon as practicable after the receipt of such resolution, the State Highway commission shall consider the apparent desirability and importance of the proposed improvement, and shall determine whether such proposed improvement will be of public utility and convenience, and whether the construction thereof will be practically possible. After such consideration the commission shall certify their approval or disapproval of the proposed improvement to the county board making application therefor.

§ 18. MAPS, PLANS, SPECIFICATIONS AND ESTIMATES.] Whenever the commission shall have made their preliminary order as aforesaid, in favor of the construction or improvement of a public highway or section thereof, the said commission shall direct the State Highway Engineer, or the assistant State highway engineer to cause proper surveys to be made and to prepare suitable maps, plans, specifications and estimates of cost of the proposed improvement. In the preparation of such plans, specifications and estimates, the State Highway Commission may cause to be included therein, the value of any materials or the fair rental value of any implements, apparatus or machinery suitable for road construction which the State Highway Commission desires should be furnished or supplied by the State. In the preparation thereof the State Engineer may call upon the county superintendent of highways to render such assistance and to perform such part of such work as he shall deem necessary. The preparation of such plans, specifications, surveys and estimates of cost shall be subject to the general direction and control of the State Highway Commission. If deemed advisable such plans, surveys, specifications and estimates may provide for the widening of an existing highway, or provide for a reasonable deviation from the route described in the preliminary resolution of the county board.

§ 19. EMINENT DOMAIN.] In case the plans and surveys provided for in the preceding section require the taking or damaging of the property of any private land owner the State Highway Commission in such manner as they may determine, shall, if possible, agree with such private owner relative to the amount of damages sustained, conditioned upon the construction of the proposed improvement. Such agreement when made, shall be given full force and effect according to the terms thereof. In case such land owner fails to reach an agreement with the commission respecting such damages, or is legally incapable of so doing, the said State Highway Commission may file a petition in any court of competent jurisdiction addressed to any judge thereof in vacation, praying for the assessment of damages for such proposed improvement, after the manner now provided by law relative to the exercise of the right of eminent domain. The damages as thus finally determined either by agreement or proceedings in eminent domain shall be included in the estimate of the cost of the proposed improvement, to be borne equally by the State and the county constructing the same.

In case a proposed improvement be abandoned after a resort to proceedings in eminent domain as aforesaid, the costs of such proceedings to which the property owner is by law entitled, shall nevertheless be paid one-half out of the State road and bridge fund and the remaining one-half by the county.

§ 20. REPORT TO STATE HIGHWAY COMMISSION AND TO COUNTY BOARD.] Whenever the surveys, plans, specifications and estimates of the proposed improvement are fully completed and determined, the State Highway Engineer shall make a complete report thereof and deliver the same to the State Highway Commission, and shall also transmit a copy thereof to the county board of the county wherein it is proposed to construct the improvement.

§ 21. FINAL RESOLUTION OF STATE HIGHWAY COMMISSION.] Upon receiving the surveys, plans, specifications and estimates provided for in the preceding sections, the State Highway Commission shall finally determine whether they will authorize the construction of the proposed improvement as a State aid road. The commission shall thereupon at once cause a copy of such determination to be transmitted to the county board.

§ 22. FINAL RESOLUTION OF COUNTY BOARD.] At any regular or special meeting of the county board held after notice of the decision of the State Highway Commission to authorize the construction of the proposed improvement as aforesaid, the county board shall determine whether it will authorize the proceedings necessary to enable the county to contribute the one-half of the cost required for the construction of State aid roads as provided in this Act. When a county board has once adopted a final resolution providing for the construction or improvement of a highway or a section thereof in accordance with such plans and specifications, no resolution thereafter adopted by such board shall rescind or annul such prior resolution, either directly or indirectly, excepting under the advice and with the consent of the State Highway Commission. In case the county board desires that such provision be made for the construction of a State aid road, it may proceed in either of the methods following:

(1) In case there be sufficient funds in the county treasury available therefor, the county board may appropriate therefrom sufficient to meet one-half the cost of the improvement.

(2) If the county board so desires and deems it necessary for the purpose of the improvement herein authorized, the said county board, in the manner now provided by law for issuing bonds for county purposes, may submit to the legal voters of their county the question of issuing such county bonds. In such case the votes in favor of the proposition submitted shall be "For County Bonds for State Aid Roads," and those against shall be "Against County Bonds for State Aid Roads."

§ 23. All moneys appropriated by any county board to aid in the construction of a State aid road, and all moneys raised by taxation therefor shall be held as a separate fund therefor until paid out according to the provisions of this Act, and shall not be expended for any other purpose.

§ 24. FINAL NOTICE TO STATE HIGHWAY COMMISSION.] In case the county finally determines in either of the methods indicated in the preceding section, to make provisions for the contemplated State aid road, the county clerk shall at once notify the State Highway Commission thereof.

§ 25. ORDER OF CONSTRUCTION OF STATE AID ROADS.] Upon the receipt of the notice that the county has finally determined upon the construction of a State aid road in the manner aforesaid, the State Highway Commission shall proceed as provided in this article. In so far as practicable, in the opinion of the State Highway Commission, the construction and improvement of State aid roads shall be taken up and carried forward within the several counties of the State in the consecutive order of the date of the receipt by the commission of the certified copies of the final resolutions adopted by the various county boards

making provision for such construction or improvements, as aforesaid: *Provided*, that until the notices and proceedings have been given and had as in the preceding sections provided the designated roads shall remain under the control of the township road authorities.

§ 26. CONTRACT FOR STATE AID ROADS.] State aid roads may be constructed or improved by contract in the manner provided herein. No contract for the improvement or construction of a State aid road shall be entered into unless at the time, there is in the State road and bridge fund, subject to the order of the State Highway Commission, sufficient moneys to defray the portion of the cost thereof which the State is required to contribute under the provisions of this Act. Upon the completion and final adoption or approval, as provided by law, of the plans and specifications and estimates for the construction or improvement of a State aid road, a contract therefor may be executed as provided herein.

In letting contracts for the building of bridges, or culverts, wherein the county alone is interested, or wherein the county and State are interested, or the county and township or road district are interested, it shall be the duty of the officials in letting said contracts to invite, receive and consider proposals on any other plan other than the one prepared by the county superintendent of highways, or State Highway Commission, and they shall require that all proposals on such plans shall be accompanied with complete stress diagrams, and specifications; nature, quality and size of materials to be used; strength of structure when completed, etc., it being understood, however, that before any such plan shall be finally adopted, it shall, in like manner as all other plans, profiles, specifications and estimates submitted, have the approval of the county superintendent of highways and the State Highway Commission.

(1) ADVERTISING FOR PROPOSALS.] The State Highway Commission shall advertise for proposals for the construction or improvement of such highways or sections thereof according to the plans, specifications and estimates prepared therefor. The advertisement shall be limited to a brief description of the work proposed to be done, the terms and conditions under which proposals will be received, the time and place where the same will be opened, and such other matters as the commission may deem advisable to include therein. Such advertisement shall be published at least once in each week for two consecutive weeks in a newspaper, published in the county in which such highway or section thereof is to be constructed or improved, and in such other newspapers as the commission may designate. In such advertisement the State Highway Commission may provide that certain materials, or machinery or implements suitable for road construction, shall be furnished by the State or used in the construction of said State aid road, and may also indicate the fair value of the same or for the use thereof.

(2) PROPOSALS.] Each proposal shall specify the gross sum for which the work will be performed exclusive of such materials as may be furnished by the State and also shall include the amount to be charged for such item specified in the estimate. The commission may prescribe and furnish forms for the submission of such proposal and may prescribe the manner of submitting the same which shall not be inconsistent herewith. The proposals shall be publicly opened at the time specified in the advertisement aforesaid and when opened such proposals shall be sub-

ject at all reasonable times to public inspection and at the time of opening shall be publicly read.

(3) AWARD OF CONTRACT.] The contract for the construction or improvement of such highways or section thereof shall be awarded to the lowest responsible bidder except that no contract shall be awarded at a sum which, together with the value of materials and machinery to be furnished by the State as fixed by the State Highway Commission, shall exceed the estimate made for the construction or improvement of such highway or section thereof in accordance with the aforesaid plans and specifications. The lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work shall be performed, including all the items specified in the estimate therefor.

(4) REJECTION OF PROPOSALS.] The commission may reject any or all proposals and may at once advertise for new proposals as hereinbefore provided, if in their opinion the best interests of the State will thereby be promoted.

(5) FORM OF CONTRACT.] The commission shall prescribe the form of contract and may include therein such matters as they may deem advantageous to the State. Such form shall be uniform in so far as may be.

(6) BOND OF CONTRACTOR.] Each contractor, before entering into a contract for such construction or improvement, shall execute a bond in the form prescribed by the commission, with sufficient sureties to be approved by the commission, conditioned that he will perform the work in accordance with the terms of the contract, and with the plans and specifications and that he will commence and complete the work within the time prescribed in the contract. Such bond shall also provide against any direct or indirect damages that may be suffered or claimed on account of such construction or improvement during the time thereof, and until the highway is accepted.

(7) PAYMENTS ON CONTRACTS.] The contract may provide for partial payments to an amount not exceeding 90 per centum of the value of the work done which shall be paid in the manner provided by this article when certified to by the commission. In case partial payments are made the State and county shall each pay one-half thereof as the work progresses. Ten per centum of the contract price shall be retained until the entire work has been completed and accepted.

§ 27. ACCEPTANCE OF STATE AID ROAD WHEN COMPLETED.] Upon the completion of a State aid road or section thereof constructed or improved under a contract let as provided in this article, the State Highway Engineer shall inspect the same, and if completed as provided in the contract, he shall thereupon report to the State Highway Commission. If the commission approve, they shall notify the contractor thereof and the highway or section thereof so constructed or improved shall be deemed to have been accepted by the State. Such acceptance shall also be communicated by the State Highway Commission to the county clerk of the county wherein such improvement or portion thereof is located.

§ 28. PAYMENTS—HOW MADE—EFFECT OF CONTRACT.] Upon the acceptance by the State of an improvement as hereinbefore provided, the contractor shall be entitled to receive the portion of the contract price then remaining due and unpaid. The contractor shall receive one-half

of the total cost of such improvement directly from the State treasury, and the other half shall be paid by the county to such contractor.

Upon the order of the State Highway Commission, the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for any unexpended balance remaining in the State road and bridge fund.

§ 29. LEGAL EFFECT OF CONTRACT.] Any contract entered into by and between the State Highway Commission and any contractor for the construction of a State aid road according to the provisions of this Act shall be taken and held to confer upon the contractor the right to enforce in any appropriate legal action against the county wherein the improvement is located the payment of the portion of the cost thereof which the county is required to pay under the provisions of this Act.

§ 30. ROADS CONSTRUCTED DIRECTLY BY THE STATE.] In case the State Highway Commission upon a second advertisement for bids or proposals for the construction or improvement of a State aid road shall not be able to let the contract for a sum, which, together with the value of materials, apparatus, implements and machinery to be furnished by the State determined as aforesaid, shall not exceed the estimate of the cost thereof previously made by the State Highway Engineer, the State Highway Commission may then proceed directly to construct such State aid road. In such case the county within which such proposed improvement shall be located, shall not be required to contribute thereto more than one-half the estimated cost thereof as aforesaid.

§ 31. COUNTY LINE ROADS.] State aid roads may be constructed or improved on county lines. In case two counties desire to secure the construction or improvement of a public highway situated upon or near the boundary line between them, the respective county boards thereof may, by appropriate resolutions, initiate proceedings therefor. To this end such county boards may, by concurring resolutions, fix the portion of the one-half the total cost of construction which should be borne by each county. Such resolutions when duly transmitted to the State Highway Commission shall be considered in such cases as the preliminary application therefor, as hereinbefore provided. If approved by the State Highway Commission, each county board may appropriate the portion of the cost to be borne by such county, or authorize the submission of the question of issuing bonds as hereinbefore provided.

In all proceedings contemplating the construction or improvement of a county line road as provided in this section, all acts of each county board relative thereto, together with the result of any vote upon the question of levying a tax or issuing bonds as provided herein, shall be communicated by the county clerk of each county to the county clerk of the other county, as well as to the State Highway Commission.

In case either county shall refuse to take the steps necessary to secure the construction or improvement of such county line road, as provided in this section, then all prior proceedings relative thereto on the part of the other county shall be regarded as suspended.

§ 32. REPAIR AND MAINTENANCE OF STATE AID ROADS.] Whenever any State aid road shall be constructed or improved in any county under the provisions of this Act, the State Highway Commission, either directly or through the State Highway Engineer, the assistant State highway

engineer, or the county superintendent of highways shall thereafter keep all such roads in proper repair, and the total cost of such maintenance shall be paid out of the State road and bridge funds upon the warrant of the Auditor, whenever such payment shall be ordered by the State Highway Commission. For the purpose of keeping such roads in proper repair the State Highway Commission shall have authority to purchase all necessary tools, machinery, supplies and materials, and may employ, or authorize the State Highway Engineer to employ, all labor necessary therefor.

§ 33. PUBLIC UTILITIES.] No steam or electric railroad company, telephone or telegraph company, or company laying or using pipe lines, shall have the right to locate or construct its road or place its poles or wires, or lay its pipe lines upon or along any State aid road, without the consent of the county board of the county wherein it is proposed to place or locate the same. Such consent may be granted for any period not longer than twenty years upon petition of the company, upon such terms and conditions, not inconsistent with this Act, as such county board shall deem for the best interests of the public: *Provided*, that before any such consent of the county board shall become effective the said county board shall receive the approval of the State Highway Commission to the use of the said State aid road for such purpose and the conditions upon which the same shall have been granted: *And, provided, further*, that no such consent shall be granted except upon the condition that the company will pay all damages to the owners of the property abutting upon said State aid road which they may sustain by reason of the location or construction of the said steam or electric railroad or the placing of the said telephone or telegraph poles or wires, or the laying of the said pipe lines, the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

ARTICLE V.

BRIDGES AND IMPROVEMENTS CONSTRUCTED AND REPAIRED BY A COUNTY OR AT THE JOINT EXPENSE OF A COUNTY AND ANY TOWN OR ROAD DISTRICT THEREIN.

§ 34. BRIDGES MAY BE BUILT BY COUNTY.] In case the county board shall deem it expedient to build a bridge in any town or road district therein, the said county board may order the same built at the entire expense of such county. Such bridge shall in such case be constructed according to plans and specifications prepared by the county superintendent of highways, subject to the approval of the State Highway Engineer.

§ 35. AID FROM COUNTY BOARD.] When it is necessary to construct or repair any bridges over a stream, or any approach or approaches thereto, by means of an embankment or trestle work on a public road, in any town or district or on or near to or across a town or district line, in which work the town or district is wholly or in part responsible, and the cost of which will be more than twelve cents on the one hundred dollars on the latest assessment roll, and the levy of the road and bridge tax for two years last past in said town or district was in each year for the full amount allowed by law to be raised therein for all road and

bridge purposes except for damages incurred in laying out, altering, widening or vacating roads, the major part of which levy is needed for the ordinary repair of the roads and bridges, the commissioner of highways may petition the county board for aid, and if the foregoing facts shall appear, the county board shall appropriate from the county treasury a sum sufficient to meet one-half of the expenses of said bridge or other work, on condition the town or district asking aid shall furnish the other half of the required amount.

LETTING CONTRACTS.] When it is determined by the county board to grant the prayer of the highway commissioner asking aid for the construction of such bridge or other expensive work, the county board shall thereupon enter an order directing the county superintendent of highways to prepare plans and specifications for such improvement. The contract for such improvement shall thereupon be let in the manner authorized by said county board, subject to provisions of the law relating to the letting of contracts: *Provided, however,* that no county, town or road district shall be liable for any part of such expenses or compelled to pay any part of its appropriation for such purpose until all of the work has been fully completed and accepted by the county superintendent of highways and such acceptance properly certified to by said officer and presented to the county board at a meeting held after the completion of said work, which certificate shall contain itemized account of the expenditures; and a copy thereof shall also be filed with the town or district clerk as the case may be.

§ 36. BRIDGES BUILT BY TWO COUNTIES.] Bridges over streams which divide counties, and bridges on roads on county lines, and bridges within eighty rods of county lines, shall be built and repaired at the expense of such counties. And all such bridges over streams which form the boundary line between two counties, and all such bridges within eighty rods of such boundary line, when the cost of constructing the same shall be \$5,000 or over, shall be built by such counties respectively in the proportion that the taxable property in each county respectively bears to each other according to its assessed value as equalized at the time of constructing such bridge. And when any county desires to build any such bridge across any stream which is the boundary line between such county and another county, or desires to build any such bridge within eighty rods of such boundary line, and the cost of such bridge will equal or exceed \$5,000, and the county desiring to construct such bridge has appropriated its share of the cost of constructing the same, then it shall be the duty of such other county to make an appropriation for its proportion of the cost of said bridge on the basis of the assessed value of the property, real and personal, of each of said counties according to the last preceding assessment thereof as equalized, and if such other county fails or refuses to make an appropriation for its proper proportion of the cost of constructing such bridge, any court of competent jurisdiction shall issue an order to compel such county to make such appropriation upon a proper petition for that purpose, and the cost and expense of maintaining and keeping the same in repair after the same is built and constructed shall be borne in the proportion of the assessed value of the property in each of said counties according to the latest equalized assessment thereof: *Provided,* that for the building and

maintaining of bridges over streams near county lines in which both are interested and where the cost thereof is less than \$5,000, the expense of building and maintaining any such bridge shall be borne by both counties in such portion as shall be just and equitable between the counties, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioner in making contracts for the same, as provided for in section 37 of this Act.

§ 37. CONTRACTS BY COMMISSIONERS OF ADJOINING COUNTIES.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the county boards of such adjoining counties, to enter into joint contracts, and such contracts may be enforced in law or equity against such county boards, and such county boards may be proceeded against jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, for any damage growing out of such neglect.

§ 38. APPROACHES TO BRIDGES ON OR NEAR COUNTY LINES.] Approaches to all bridges built and constructed under and by virtue of the three preceding sections, shall be built, constructed and maintained by the respective counties within which such approach or approaches may be located, and all approaches to any and all such bridges as have heretofore been built and constructed.

§ 39. SUIT ON JOINT CONTRACT.] If the county board of any such county, after reasonable notice in writing from such other county board shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the county board so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the county board so neglecting or refusing.

ARTICLE VI.

TOWN AND DISTRICT ORGANIZATION AND ADMINISTRATION FOR HIGHWAY PURPOSES.

SUBDIVISION I.

Organization: Division Into Towns and Districts.

§ 40. TOWN AND DISTRICT ORGANIZATION SIMILAR.] For all purposes relating to the construction, repair, maintenance and supervision of roads and bridges, the several towns in counties under township organization, and road districts in counties not under township organization, shall, as near as may be, and subject to the provisions of this Act, be regarded as analogous in corporate authority, and the powers and duties of the highway officers thereof shall be similar in extent and effect.

§ 41. COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—DIVISION INTO DISTRICTS.] Counties not under township organization shall be

divided into road districts by the county boards thereof, in the manner hereinafter set forth." All road districts, where it is practicable, shall be composed of territory not less than a congressional township. Fractional or whole townships may be added to other fractional or whole townships. The districts so formed shall be designated by some number.

(1) COUNTIES ALREADY DIVIDED INTO DISTRICTS.] In counties not under township organization, wherein road districts are already now laid out and established under the provisions of an Act approved May 4, 1887, in force July 1, 1887, entitled, "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named," the road districts already laid out therein by the county boards thereof shall be continued in existence, unless the same shall be altered in the manner hereinafter set forth: *Provided, however*, that all incorporated cities, towns and villages which have heretofore been excluded from road districts in such counties shall hereafter be included therein, and in all cases where necessary therefor, the county boards of such counties shall make provision to create such city, town or village into a road district, or to make it a part of some road district already formed.

(2) COUNTIES NOT ALREADY SO DIVIDED.] In all counties not under township organization, and operating under the provisions of an Act approved May 10, 1901, entitled, "An Act in regard to roads and bridges, and to provide for the adoption of the same," and wherein road districts are not already laid out and established, it shall be the duty of the county boards thereof, at their first session after this Act shall be in force and effect, to divide such counties into road districts, as provided herein.

(3) CORPORATE NAME OF DISTRICT.] The corporate name of each district shall be "Road District No.....," and all actions by or against such district shall be in its corporate name.

(4) CORPORATE CAPACITY OF DISTRICT.] Every district so organized shall have corporate capacity to exercise the powers granted thereto, or necessarily implied and no others. It shall have power: (1) To sue and be sued. (2) To acquire by purchase, gift or devise, and to hold property, both real and personal, for the use of its inhabitants, and again to sell and convey the same. (3) To make all such contracts as may be necessary in the exercise of the powers of the district.

(5) ALTERATION OF BOUNDARIES OF ROAD DISTRICTS.] The board of county commissioners of each county shall have full and complete power and jurisdiction to alter the boundaries of road districts and to change road district lines in their respective counties to suit the convenience to the inhabitants residing therein, but no such change shall be made under the provisions of this Act unless at least twenty of the legal voters of such road district shall petition for such alteration or change; nor shall such alteration or change be made by such board of county commissioners without notice thereof having been given by posting up notices in not less than five of the most public places in each of the several towns or road districts interested in such proposed alterations or changes.

SUBDIVISION II.

Highway Officers: Their Election, Powers, Duties and Compensation.

§ 42. TOWN AND DISTRICT ROAD OFFICERS—(A) COMMISSIONERS.] In each township in counties under township organization and in each road district in counties not under township organization there shall be a board of highway commissioners consisting of three members, each of whom shall serve for a term of three years and until his successor is duly elected and qualified, and who shall be elected in the manner hereinafter set forth. The powers and duties of such highway commissioners shall be as hereinafter indicated.

(B) CLERK.] In counties under township organization the town clerk shall act as the clerk of the board of highway commissioners of such town. In counties not under township organization there shall be elected in each road district a district clerk, who shall hold his office for the term of three years and until his successor is elected and qualified.

(C) TREASURER.] In counties under township organization the supervisor of each town shall be *ex officio* treasurer of the road and bridge fund. In counties not under township organization the district clerk shall be *ex officio* treasurer of such fund.

(D) WHO ELIGIBLE.] No person shall be eligible to the office of highway commissioner unless he shall be a legal voter and have been one year a resident of such town or district. In counties not under township organization the same limitation shall apply to the district clerk.

§ 43. ELECTIONS—PROVISIONS GENERALLY APPLICABLE.] In all counties under township organization the highway commissioners shall be elected at the annual town meeting and subject to the laws governing the same. In all counties not under township organization the highway commissioners and the district clerk shall be elected at annual elections to be held on the first Tuesday in April in each year. Until the first annual election held after this Act becomes effective, the several boards of highway commissioners and clerks now in office shall continue to exercise their respective powers and duties as heretofore. At such first annual election held after this Act shall become effective, there shall be elected in each township in counties under township organization, and in each road district in counties not under township organization, but which have already been divided into districts, one commissioner of highways as the successor of the commissioner of highways whose term of office shall then expire. Thereafter, the several highway commissioners then in office, and thereafter elected, shall exercise all the functions, powers and duties provided by this Act.

§ 44. SAME—COUNTIES OPERATING UNDER SPECIAL ACT—PROVISIONS APPLICABLE TO FIRST ELECTION.] In all counties not under township organization which are operating under the optional Act entitled, "An Act in regard to roads and bridges in counties not under township organization, and to provide for the adoption of the same," approved May 10, 1901, and which counties therefore are not already divided into road districts as aforesaid, the county board of each of said counties shall, at least twenty days before the first Tuesday in April next after this Act

shall become effective, designate some central and convenient place in each district for the holding of the first district election, and shall also appoint three suitable electors of the district as judges of the election.

NOTICES OF FIRST ELECTION.] The county clerk shall thereupon make out notices, stating the time (which shall be the first Tuesday in April thereafter) and place of holding the first district election, and the names of the judges of the election so appointed, and deliver such notices to the sheriff of the county who shall cause the same to be posted in not less than three of the most public places of the district, and not less than fifteen days before the time of holding such election.

OFFICERS ELECTED.] At such first election there shall be elected three commissioners of highways of whom one shall hold his office for one year, one for two years, and the third for three years, to be determined between them by lot before entering upon the duties of their office, and until their respective successors are elected and qualified. At such first election there shall also be elected a road district clerk who shall hold his office for three years and until his successor is elected and qualified.

CANVASS OF VOTES—EXPENSE.] After the canvass of the votes the judges shall make returns as provided in the general election laws of this State, to the county clerk, who shall make a canvass of the votes and immediately notify the persons elected of their election. The expenses of such first election shall be paid by the county.

§ 45. ELECTIONS—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—PROVISIONS RELATING TO THE CONDUCT THEREOF.] In all counties not under township organization the following provisions regarding elections shall be applicable.

ANNUAL ELECTION FOR DISTRICT OFFICERS—ABSENCE OF OFFICERS.] The annual election for district officers shall be held on the first Tuesday in April, of each year, at the place designated by the commissioners of highways. The commissioners of highways shall be *ex officio* judges, and the clerk shall be *ex officio* clerk of all district elections, but before entering upon the discharge of their duties they shall take the oath of office prescribed by the general election law of the State. In the absence of any of the above named officers the vacancy shall be filled by appointment by the commissioners present, and in case there is no commissioner present the electors present shall appoint such judges.

NOTICE OF ANY ANNUAL OR SPECIAL ELECTION.] Notice of the time and place of holding any annual or special election shall be given by the district clerk, or, in his absence, by the commissioners, by posting written or printed notices in at least three of the most public places in the district, at least fifteen days prior to such election.

DISTRICT ELECTION—HOW CONDUCTED.] The district elections shall be conducted in the same manner and subject to the same laws and regulations as prescribed for general elections: *Provided*, that no registration of voters shall be required.

WHO ENTITLED TO VOTE.] All persons possessing the qualifications of voters, who reside within the boundaries prescribed for such district shall be entitled to vote at such election.

CANVASS OF VOTES—CERTIFICATE, POLL LIST AND BALLOTS SEALED AND SENT TO DISTRICT CLERK.] The judges shall, immediately, upon closing the polls, make a canvass of the votes polled in the manner provided

by the general election law of the State, and make a written statement or certificate of the number of votes cast at such election for each person or proposition voted for, and the office for which such person received such vote, and shall, within forty-eight hours thereafter, cause such certificate and poll list, together with the ballots cast at such election, to be separately sealed up and transmitted to the district clerk to be filed and preserved by him.

CANVASS OF RETURNS—NOTICE OF RESULT OF ELECTION TO VOTERS.] The commissioners of highways, together with some justice of the peace to be by them selected, and the district clerk shall, within five days after any election is held, meet and canvass said returns, and declare the result of said election. The canvass being completed, a statement of the result shall be entered at large, by the clerk of election, in the minutes of the proceedings, to be kept by him as required by this Act, which shall be publicly read by him to the electors present; and such reading shall be deemed notice of the result of the election, to every person whose name shall be entered on the poll list as a voter.

DRAWING LOTS IN CASE OF TIE—NOTICE.] In case two or more persons shall have an equal number of votes for the same office, the question of which shall be entitled to the office shall be decided by lot, under direction of the district clerk, but he shall give each party at least five days' notice of the time and place of drawing lots.

NOTICE OF ELECTION TO PERSONS ELECTED—FILING LIST OF OFFICERS ELECTED IN OFFICE OF COUNTY CLERK.] The clerk, within ten days after the canvass of the votes as hereinbefore provided in this section, shall transmit to each person elected to any district office, a notice of his election. He shall also file in the office of the county clerk a list of the names of all district officers elected at such election, who have qualified, within twenty days after such election shall be held.

§ 46. OATH REQUIRED.] Every person elected or appointed to the office of commissioner of highways, and every district clerk in counties not under township organization, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, before some justice of the peace or district or town clerk, the oath or affirmation of office prescribed by the Constitution, which oath shall, within five days thereafter, be filed with the district or town clerk.

In counties under township organization, no additional oath shall be required of the town clerk, to enable him to enter upon the discharge of the duties of his office as *ex officio* clerk of the board of highway commissioners.

NEGLECT TO TAKE OATH—REFUSAL TO SERVE.] If any person elected or appointed to either of the offices above enumerated, shall neglect to take and subscribe such oath, and cause the same to be filed as above required, such neglect shall be deemed a refusal to serve.

§ 47. WHEN TERM OF COMMISSIONER OR CLERK EXPIRES, SUCCESSOR TO DEMAND BOOKS, PAPERS, ETC.] When the term of any commissioner of highways or clerk shall expire, and other persons shall be appointed to such office, it shall be the duty of such successor, immediately after he shall have entered upon the duties of his office, to demand of his

predecessor all the books, papers, moneys and other property under his control, belonging to such office.

WHEN OFFICE BECOMES VACANT BY RESIGNATION OR OTHERWISE—DEMAND, ETC.] Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books, papers, moneys or other property.

DELIVERING UPON OATH ALL RECORDS, BOOKS, ETC.—OATH, BY WHOM ADMINISTERED.] It shall be the duty of every person so going out of office, whenever thereto required pursuant to the foregoing provisions, to deliver up on oath, all the records, books, papers, moneys and other property in his possession or in his control belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made.

§ 48. VACANCIES IN OFFICE—COUNTIES UNDER TOWNSHIP ORGANIZATION.] In counties under township organization the provisions of law applicable to resignations from town offices, and the filling of vacancies therein, shall apply to highway officers in the same manner as to other town officers.

§ 49. SAME—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.] In counties not under township organization the following provisions shall be applicable relating to vacancies in road district offices:

VACANCY IN OFFICE—HOW FILLED—POWERS OF PERSONS APPOINTED.] Whenever any district shall fail to elect the proper number of district officers to which such district may be entitled by law, or when any person elected to any district office shall fail to qualify, or whenever any vacancy shall happen in any district, from death, resignation, removal from the district or other cause, it shall be the duty of the county board to fill such vacancy by certificate under the hand and seal of the county clerk; and the persons so appointed shall hold their respective offices until the next annual election, and until their successors are elected and qualified; and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected by the electors.

CERTIFICATE OF APPOINTMENT.] When any appointment shall be made, as aforesaid, the county clerk shall cause the certificate of appointment to be forthwith filed in the office of the district clerk, who shall immediately give notice to each person appointed.

JUSTICE OF PEACE MAY ACCEPT RESIGNATION OF OFFICER—NOTICE.] Any justice of the peace residing in such district, or if there be no justice residing in such district, then any justice in the county, may, for sufficient cause shown to him, accept the resignation of any district officer of his district, and whenever he shall accept any such resignation, he shall forthwith give notice thereof to the district clerk of the district, or in his absence, to the president of the board of commissioners of highways, who shall make a minute thereof upon the district records. He shall also immediately give notice to the county clerk of any vacancy that may exist in any district office.

§ 50. MEETINGS, POWERS AND DUTIES OF HIGHWAY COMMISSIONERS
 (A) MEETINGS.] The commissioners of highways of each town or road district shall meet on the second Tuesday next after the annual town meeting or road district election, in each year, at the office of the town clerk, and shall organize as a board by electing one of their members president. They shall also hold a regular semi-annual meeting between the first Tuesday in August and the first Tuesday in September of each year, at a time to be named by their president, for the purpose of determining the tax rate to be certified by them to their respective county boards, as hereinafter provided. Said board shall also hold other regular meetings at such times as they shall designate, and special meetings as occasion may require at the call of the president, and any two of the commissioners, and no official business shall be transacted by the board except at a regular or special meeting. The concurrence of at least two commissioners shall be required in all official actions taken by the board as a body, and all certificates or documents hereinafter required to be made or executed by the board of highway commissioners shall be signed by at least two members of said board.

(B) GENERAL POWERS AND DUTIES.] The highway commissioners of each town or road district shall have power and it shall be their duty:

(1) To lay out, alter, widen or vacate roads as hereinafter provided.

(2) To cause such roads used as highways as have been laid out or dedicated to public use, but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the office of the district or town clerk.

(3) To determine the taxes necessary to be levied on property within his town or district for road and bridge purposes, subject to the limitations hereinafter provided.

(4) To direct the expenditure of all moneys collected in the town or district for road and bridge purposes and to draw warrants on the town or district treasurer therefor.

(5) To direct the construction and repair of roads and bridges within the town or district, to let contracts, employ labor and purchase material and machinery therefor, subject to the limitations herein provided: *Provided, however,* that no contract shall be let for the construction or repair of any road or bridge or part thereof in excess of the amount of \$200, nor shall any machinery or other appliances to be used in road construction in excess of such amount be purchased without the approval of the county superintendent of highways.

(6) To have general charge of the roads and bridges of their town or district, to keep the same in repair and to improve them so far as practicable.

(7) To take possession of and keep under shelter, when not in use, scrapers, plows and other tools belonging to the town or district wherever the same may be found, and not allow the same to go to waste, and not lend the same, except to persons employed to work the roads under contract or otherwise.

(8) To cause to be erected and kept in repair at the forks or crossing place of the most important public roads, post and guide boards,

with plain inscription thereon, in letters and figures, giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cocklebur, mustard, yellow-dock, Indian mallow and gympson weed from seeding, and to extirpate the same so far as practicable; and to prevent all rank growth of vegetation in the public highway by causing the same to be cut and destroyed prior to the seeding of the same, and at the farthest prior to September 1st, in each and every year; and the said commissioners may, at their discretion, adopt any suitable and convenient mode of supplying water in troughs conveniently situated on the public highway for public use.

(9) To issue their warrant or order on the treasurer of the board of highway commissioners for the payment of all moneys paid out by such treasurer.

(C) REPORT.] The highway commissioners shall annually make report in writing showing:

(1) The amount of poll tax assessed, how much paid, and how much delinquent.

(2) The amount of road and bridge money received by him, and a full and detailed statement as to how and where expended, and the balance, if any, unexpended.

(3) The amount paid for damages in laying out, altering, widening or vacating roads, and right-of-way for ditches.

(4) The amount of liabilities incurred and not paid; and if such liabilities are undetermined, they shall be estimated.

(5) Any additional matter concerning the roads and bridges of the district he may think expedient and proper to make.

In counties under township organization such report shall be made to the board of town auditors at the semi-annual meeting immediately preceding the annual town meeting. In counties not under township organization such report shall be made not later than the last Tuesday in March to the district clerk who shall file the same in his office and he shall record such report at large in the records of said road district.

§ 51. DUTIES OF CLERK.] The town or district clerk shall have the custody of all records, books and papers of the town or road district, and he shall duly file all certificates or oaths and other papers required by law to be filed in his office. He is authorized to administer oaths and take affidavits in all cases required by law to be administered by town or district officers. The duties of the clerk shall further include:

(1) RECORDING ORDERS OF COMMISSIONERS.] He shall record in the book of records of his district, all orders and directions of the highway commissioners required by law to be kept, and as hereinafter provided for. All records and books required by law to be kept by such clerk shall be deemed public records and shall at all times be open to inspection without fee or reward. The clerk shall also meet with the highway commissioners whenever requested at any reasonable time to do so by the latter official.

(2) BOOKS AND STATIONERY FOR OFFICE.] The district clerk shall, from time to time as may be necessary, procure the proper books and stationery for his office and the cost thereof shall be paid out of the town or district treasury.

(3) COPY OF PAPERS AND TRANSCRIPTS FROM RECORDS—EVIDENCE.]

Copies of all papers duly filed in the office of the town or district clerk and transcripts from the town or district records certified to by him shall be evidence in all courts in like effect as if the originals were produced.

§ 52. TREASURER.] The treasurer of the road and bridge fund shall receive and have charge of all moneys raised in the town or district for the support and maintenance of roads and bridges therein, and for road damages, excepting such portions of the moneys as hereinafter directed to be paid to the authorities of incorporated villages, towns and cities. He shall hold such moneys at all times subject to the commissioners of highways, and shall pay them over upon the order of not less than two of them, and not otherwise. He shall keep an account in a book provided by the commissioners of all moneys received, and all moneys paid out, showing in detail to whom and on what account the same is so paid.

(1) BOND.] The supervisor or clerk, as the case may be, before becoming entitled to act as treasurer, and within ten days after his election, shall execute a bond in double the amount of moneys likely to come into his hands by virtue of this Act, conditioned that he will faithfully discharge his duties as such treasurer, that he will honestly and faithfully account for and pay over, upon the proper orders, all moneys coming into his hands as treasurer, and the balance, if any, to his successor in office. Such bond shall be payable to the town or district, and shall be in such sum as the commissioners of highways shall determine. Said bond shall be approved by the commissioners of highways, and shall be filed in the office of the county clerk with such approval endorsed thereon: *Provided*, that if from any cause the commissioners of highways shall deem the bond so given insufficient, they may require a new bond: *And, provided, further*, that the commissioners shall have the right to fix any other sum to be required in any new bond so given. The commissioners of highways shall have power to bring suit upon such bond for any loss or damage accruing to the town or district by reason of any non-performance of duty, or defalcation on the part of the said treasurer.

(2) ITEMIZED STATEMENT OF RECEIPTS AND DISBURSEMENTS.] The treasurer shall also present annually on the first Tuesday in April to the highway commissioners an itemized statement of receipts and disbursements which shall be sworn to.

§ 53. COMPENSATION OF OFFICERS—COMMISSIONERS.] The commissioners shall each receive for each day necessarily employed in the discharge of their duties the sum of two dollars (\$2.00) upon a sworn statement to be filed by such commissioner in the office of the town or district clerk showing the number of days he was employed and the kind of employment, and giving the dates thereof.

CLERK.] The town or district clerk shall receive two dollars per day for each day he shall be required to meet with the highway commissioners, and the same amount per day for the time he shall be employed as clerk of election, or in canvassing the returns of such election. He shall receive no other per diem. In addition to the above he shall

also receive fees for the following services, to be paid out of the town or district funds, except where otherwise specified. For serving notice of election or appointment upon district officers, as required by this Act, twenty-five cents each. For posting up notices required by law, twenty-five cents each. For copying any record in his office and certifying to the same, ten cents for every hundred words, to be paid by the person applying for the same.

TREASURER.] The *ex officio* treasurer shall, in addition to the other compensation to which he is by law entitled, receive two per cent on all moneys paid out by him up to and including two thousand dollars and one per cent on all moneys paid out by him in excess of two thousand dollars, excepting such amounts as shall have been paid to his successor, also except all moneys paid out in payment of bonds or other borrowed money.

JUSTICE OF THE PEACE.] The justice of the peace whose services are required by this Act, shall receive the sum of two dollars per day for his services.

§ 54. OFFENSES AND PENALTIES.] If any highway commissioner shall wilfully refuse to perform any of the duties enjoined upon him by this Act, he shall forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against in the name of the town or district for the recovery of such forfeiture before any court of the proper county having jurisdiction.

SUBDIVISION III.

The Raising of Revenue for Highway Purposes and the Application Thereof.

§ 55. POLL TAX.] At their annual meeting to be held on the second Tuesday after the annual town meeting or district election in each year, each board of highway commissioners shall make out a list of able-bodied men in their town or district between the ages of twenty-one (21) and fifty (50) years and deliver the same to the town or district treasurer on or before the first day of May in each year, and assess at such meeting against such person upon such list a sum of not less than one (1) nor more than three (3) dollars, as a poll tax for highway purposes, to be paid in cash to such treasurer by the first Monday of June of each year: *Provided*, that paupers, idiots, lunatics and such others as are exempt by law shall not be compelled to pay a poll tax for highway purposes: *Provided, also*, that this list shall not include persons within the limits of cities or incorporated villages. The commissioners shall also, within ten (10) days after such list is delivered to the treasurer of the road and bridge fund, cause written or printed notices to be given to each person so assessed, notifying him of the time when and place where such tax must be paid, and if this poll tax shall not be paid by the first Monday of June in such year it shall be the duty of the commissioners of highways, in the name of the district or town, to bring suit therefor against such persons before some justice of the peace having jurisdiction thereof. Summons shall be issued and returned in the same manner as provided by law in other cases. If judgment is rendered against defendant the court shall find in such judgment that the same is for poll tax

unpaid, and shall endorse the same on the execution, if one is issued. No property belonging to the defendant shall be exempt from levy to satisfy such execution: *Provided, also*, that on petition of not less than twenty-five (25) legal voters of any town or district, asking to have the proposition to abolish the poll tax submitted to the legal voters of said town, or district, filed with the town or district clerk not less than fifteen (15) days before the annual town meeting or annual district election, then the town or district clerk shall state in the notice of the annual town meeting or district election that the legal voters of such town or district may vote by ballot for or against the payment of all poll tax, and if a majority of all the ballots cast are against the payment of a poll tax, then that part of this section which provides for the levying of a poll tax shall no longer be in force in such town or district.

(1) CONSTABLE'S DUTY HAVING EXECUTION FOR POLL TAX.] The constable to whom such execution shall be delivered shall forthwith collect the moneys therein mentioned. He shall pay the money so collected, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the treasurer.

§ 56. GENERAL TAX LEVY FOR ROAD AND BRIDGE PURPOSES.] At a regular meeting to be held on the first Tuesday in September the board of highway commissioners in each town or road district shall annually determine and certify to the board of supervisors or board of county commissioners the amount necessary to be raised by taxation for the proper construction, maintenance and repair of roads and bridges in such town or road district. Such certificate shall be filed in the office of the county clerk, and by that official presented to the county board at their regular September meeting for their consideration. The amount so certified if approved by the county board, or such part thereof as the said board shall approve shall be extended by the county clerk as taxes against the taxable property of such town or district: *Provided, however*, that the county clerk shall not extend against the taxable property of any town or road district a rate in excess of sixty-one (61) cents on each one hundred dollars valuation of the taxable property of the town or district, and if the amount of taxes approved by the county board shall be in excess of such rate it shall be the duty of the clerk to reduce the same to said rate of sixty-one cents upon each one hundred dollars of the assessed valuation of said town or district.

§ 57. COPY OF CERTIFICATE TO BE PRESERVED.] The commissioners of highways of each town or district in addition to certifying to the county board the amount necessary to be raised by said town or district for road and bridge purposes therein, shall also within the dates aforesaid make out and deliver to the town or district clerk a copy of such certificate to be kept on file by such clerk for the inspection of the inhabitants of such town or district: *Provided, however*, that a failure to file such copy shall not affect the validity of the certificate filed with the county clerk, or of the tax levied pursuant thereto: *Provided, further*, that the town or district clerk shall not certify levies of road and bridge taxes to the county clerk.

§ 58. DAMAGES FOR LAYING OUT ROADS, ETC.—TAX LEVY FOR.] When damages have been agreed upon, allowed or awarded for laying out, widening, altering or vacating roads or for ditching to drain roads, the

amounts of such damages, not to exceed for any one year twenty cents on each one hundred dollars of the taxable property of the town or district shall be included in the first succeeding tax levy, provided for in section 56 of this Act, and be in addition to the levy for road and bridge purposes; and when collected, shall constitute and be held by the treasurer of the road and bridge fund as a separate fund to be paid out to the parties entitled to receive the same. It shall be the duty of the commissioners of highways at the time of certifying the general tax levy for road and bridge purposes within their town or district to include and separately specify in such certificate the amount necessary to be raised by taxation for the purpose of paying such damages. Upon the approval by the county board of the amount so certified, as provided in the preceding section, the county clerk shall extend the same against the taxable property of said town or district, provided the amount thus approved shall not be in excess of twenty cents on each one hundred dollars of the taxable property therein.

§ 59. TAX RATE—EXTENSION AND COLLECTION OF TAXES.] All items of tax levy of any town or district authorized by sections 56 and 58 of this Act shall be extended by the county clerk as one tax upon the collector's book and when collected shall be paid to the treasurer of the commissioners of highways by the collector as fast as the same is collected, except such rate per cent as shall be allowed for collecting the same: *Provided*, that one-half the tax required to be levied in section 56 and collected for road and bridge purposes, on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *And, provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the highway commissioners of the township or road district.

§ 60. ROAD DAMAGES—ORDERS OUT OF TAX TO BE LEVIED.] Whenever damages have been allowed for roads or ditches, the commissioner of highways may draw orders on the treasurer, payable only out of the tax to be levied for such roads or ditches, when the money shall be collected or received, to be given to persons damaged.

§ 61. BONDS MAY BE ISSUED BY VOTE OF SPECIAL TOWN OR DISTRICT MEETING TO BUILD BRIDGE, ETC.] When the highway commissioners desire to expend on any bridge or other distinct and expensive work on the road, a greater sum of money than is available to them by other means, the said commissioners may call a special town or district election to vote on the proposition, which shall be clearly stated in the petition substantially as follows: "To borrow \$. to construct or repair (describe the bridge or other work)." Upon determining to call such election the highway commissioners shall order the town or district clerk, by an instrument in writing to be signed by them, to post up in ten of the most public places in said town or district, notices of such special town or district meeting; which notice shall state the object, time and place of meeting, the maximum sum to be borrowed, and the

manner in which the voting is to be had, which shall invariably be by ballot, and shall be "For borrowing money to (here define the purpose)," or "Against borrowing money to (here define the purpose)." The special town or district election shall be held at the place of the last annual town or district meeting or election by giving at least ten days' notice, and returns thereof made in the same manner as other special town or district elections are now, or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition the said commissioners of highways and town or district clerk, as the case may be, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town or district for the purpose of building such bridge, or other distinct and expensive work; said bonds to be of such denominations, bear such rate of interest, not exceeding six per cent, upon such time, and be disposed of as the necessities and conveniences of said town or district officers require: *Provided*, that said bonds shall not be sold or disposed of for less than their par value, and such town or district shall provide for the payment of such bonds by appropriate taxation.

§ 62. ROAD AND BRIDGE MONEY—HOW PAID.] All road and bridge moneys of any town or road district shall be held by the treasurer of the road and bridge fund subject to the order of the commissioners of highways.

SUBDIVISION IV.

Provisions Specially Applicable to Bridges and Improvements Constructed or Repaired at the Joint Expense of Two Adjoining Towns or Districts.

§ 63. BRIDGES BUILT BY TWO TOWNS OR DISTRICTS.] Bridges over streams which divide towns or districts and bridges over streams on roads on town or district lines, and bridges within eighty rods of town or district lines over streams on roads extending from one town or district into another town or district and crossing town or district lines, shall be built and repaired at the expense of such towns or districts: *Provided*, that the expense of building and maintaining any bridge over a stream near town or district lines in which both are interested and where the cost thereof is less than \$5,000, shall be borne by both towns or districts in such portion as shall be just and equitable between said towns or districts, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioners in making contracts for the same, as provided for in section 64 of this Act.

§ 64. CONTRACTS BY COMMISSIONERS OF ADJOINING TOWNS OR DISTRICTS.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of such adjoining towns, or districts, whether they be in the same or different counties to enter into joint contracts, and such contracts may be enforced in law or equity against such commissioners jointly, the same as if entered into by individuals, and such commissioners may be proceeded against jointly

by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damage growing out of such neglect.

§ 65. APPROACHES TO BRIDGES ON OR NEAR TOWN OR DISTRICT LINES.] Approaches to all bridges built and constructed under and by virtue of the two preceding sections, shall be built, constructed and maintained by the respective towns or districts within which such approach or approaches may be located, and all approaches to any and all such bridges as have heretofore been built and constructed jointly by two or more districts or towns shall be maintained by the respective districts or towns within which such approach or approaches are now located.

§ 66. WHEN COMMISSIONERS OF ADJOINING TOWNS OR DISTRICTS REFUSE TO ENTER INTO JOINT CONTRACT, BRIDGE MAY BE BUILT AND BONDS ISSUED BY VOTE OF TOWN MEETING OR DISTRICT ELECTION.] Whenever the commissioners of either of such adjoining towns or adjoining districts, shall refuse to enter into such joint contracts to build and maintain such bridge or bridges, the commissioners of the other town or district may submit such question to the annual district election or town meeting or call a special district election or town meeting to vote upon the proposition as to whether such district or town shall proceed to build and maintain such bridge or bridges at its own expense. If such proposed bridge shall require a greater sum of money to complete it than is available to the commissioners by other means, they may also submit the proposition to such annual or special district election or annual or special town meeting, to borrow money to build such bridge. The voting shall be by ballot, and if simply the question as to the building of the bridge is submitted, if the voter desires to vote for building the bridge, his ballot shall state "to build bridge," and if he desires to vote against the proposition, his ballot shall state "against the proposition to build bridge." If the proposition to borrow money to build such bridge shall be included in the notice the maximum amount to be borrowed shall be stated in the same, and the voter desiring to vote affirmatively shall state on his ballot "to build bridge and to borrow money to construct the same;" and if he desires to vote negatively, his ballot shall state "against the proposition to build bridge and to borrow money to construct the same." Such special election shall be called and held in the same manner as is provided in section 61 of this Act. If the proposition to build such bridge shall receive a majority of all the votes cast at such election or meeting the commissioners shall then have the power to contract for the building of such bridge and approaches thereto, the same as if the bridge was entirely located in such district or town, and shall have the power to acquire by purchase, lease or gift, any private bridge already built, suited to the purpose, or any land upon which to build the approaches, or may use for the purpose of such approaches any public highway, that may lead to the bank of the stream where said bridge is to be built on either side of said stream, whether such highway may be within the limits of said town or district or county or not. If the proposition to build such bridge and borrow money to build the same shall receive a majority of the votes cast at such special or annual election or meeting, the town or district clerk, under the direction of the commissioners, shall issue from time to time, as the work progresses,

a sufficient amount in the aggregate of the bonds of said town or district for the purpose of building such bridge and the approaches thereto, or to purchase any private bridge already built, as the case may be, said bonds to be of such denominations, bear such rate of interest, not exceeding eight per cent, upon such time, and be disposed of as the necessities and conveniences of said commissioners may require. Such bonds shall not be sold for less than their par value, and such town or district shall provide for the payment of such bonds and interest by appropriate taxation.

§ 67. *SUIT ON JOINT CONTRACT.*] If the commissioners of either of such towns or districts, after reasonable notice in writing from the commissioners of any other such towns or districts, shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the commissioners so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the town or district so neglecting or refusing.

SUBDIVISION V.

The Letting of Contracts.

§ 68. *CONTRACTS OF SINGLE TOWN OR DISTRICT.*] The commissioners of highways in each town or district is hereby authorized to contract for the construction and repairing of roads and bridges lying wholly within the limits of his [their] town or district; the cost whereof does not exceed \$200.00. When any contract shall be for a sum in excess of \$200.00, the said commissioners shall not let the same without the approval of the county superintendent of highways. The county superintendent shall keep a record of all contracts approved by him.

§ 69. *CONTRACTS FOR IMPROVEMENTS TO BE CONSTRUCTED BY TWO TOWNS OR DISTRICTS.*] Contracts for constructing and repairing roads and bridges on town or district lines, or across streams on town or district lines, shall be let by the commissioners of the two towns or districts who shall meet and act together when taking action upon the letting of such contracts for the construction or repair of such roads and bridges, or acceptance of the work. When such contracts are for the expenditure of a sum exceeding \$200.00 they shall not let the same without the approval of the county superintendent as provided in the preceding section.

§ 70. *CONTRACTOR TO FURNISH BOND.*] No contract so made either at public or private letting shall be considered as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond with two good and sufficient sureties with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of the town or district, upon failure to comply with the conditions of his or their contract.

§ 71. *WHEN CONTRACTS MADE PAYABLE.*] All contracts for the construction or repair of roads, or building or repairing bridges shall be

made payable as soon as the work on said contract is completed and accepted by the commissioners of highways.

§ 72. IN LETTING CONTRACTS, ETC., COMMISSIONERS MUST NOT HAVE ANY PECUNIARY INTEREST.] In letting contracts, employing labor, or in purchasing tools, machinery or materials, neither the highway commissioners nor the county superintendent of highways shall have, directly or indirectly, any personal pecuniary interest therewith.

SUBDIVISION VI.

Laying Out, Altering, Vacating, Widening Roads.

§ 73. WIDTH OF ROADS.] All public roads established under the provision of this Act shall be of the standard width of forty feet.

§ 74. REDUCING WIDTH OF ROADS.] The commissioners of highways of any town or road district may reduce the width of any existing public road within any town or road district to a width of forty feet when the same is petitioned for by a majority of the land owners along the line of said road, within said town or district. When possible the land so vacated by reducing the width of the road shall be taken equally from both sides of the public highway. In cases of natural obstructions on one side of the public highway or where the said road extends along the right-of-way of any railroad, river or canal, the commissioners are authorized to reduce the width of the road on one side only.

§ 75. ALTERING, WIDENING, VACATING AND LAYING OUT ROADS—PETITION.] Existing roads may be altered, vacated or widened and new roads may be laid out in the manner herein provided for. Any number of land owners residing in any town or road district within two miles of the road to be altered, widened, vacated or laid out, or two-thirds of such land owners, may file a petition with the commissioners of highways of such town or district, praying for the altering, widening, vacation or laying out of said roads. Said petition shall set forth a description of the road and what part is to be altered, widened or vacated, and if for a new road the names of the owners of lands, if known, and if not known it shall so state, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near which it is to terminate.

§ 76. HEARING ON PETITION—NOTICE—PRELIMINARY ORDER.] Whenever the commissioners shall receive any such petition they shall fix a time when and a place where they will examine the route of such road and hear reasons for or against the altering, widening, vacating or laying out of the same, and they shall give at least ten days' notice of the time and place of such examination and hearing by posting notices in three of the most public places in the town or district in the vicinity of the road to be widened, altered, vacated or laid out. The commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first hearing, adjourn the said hearing from time to time, but not for a longer period than ten days in all: and shall at such meeting, or such adjourned meeting, decide and publicly announce whether they shall grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of

such decision, to be signed by said commissioners and file within five days thereafter in the office of the town or district clerk.

§ 77. APPEAL.] In case the commissioners of highways shall deny the prayer of the petition, the petitioners may appeal from such decision to the county superintendent of highways by joining in a notice of such appeal and filing the same in the office of the town or district clerk within ten days after the date of the decision appealed from. The clerk shall thereupon transmit the original petition for the altering, widening, vacating or laying out of such road, together with the said notice of appeal to the county superintendent of highways. Upon receipt thereof the said county superintendent of highways shall thereupon fix a time and place for a public hearing thereof, giving notice thereof and render his decision thereon in the manner hereinbefore provided in the case of the hearing upon said petition by the commissioners of highways of the town or district. Upon rendering his decision, the said superintendent of highways shall likewise endorse on said petition a memorandum of his decision and shall file the same in the office of the town or district clerk. Such decision of the commissioners of highways, or upon appeal such order of the county superintendent of highways, shall be regarded as a preliminary decision upon the advisability of the proposed improvement, and shall be subject to revocation in the manner hereinafter provided.

§ 78. SURVEYS ORDERED.] If the commissioners of highways, or upon appeal from his [their] decision, the county superintendent of highways, shall enter a preliminary order as aforesaid that the prayer of the petitioner should be granted, the said highway commissioners or county superintendent of highways, as the case may be, shall cause a survey and plat of such road to be made by a competent surveyor who shall report such survey and plat to said commissioners of highways or county superintendent, as the case may be, giving the courses and distances and specifying the land over which said road is to pass; in which he may make such changes between the termini of the road described in the petition, as the convenience and interest of the public in his judgment may require. Upon the petition of twelve land owners residing in the town or district where the road is situated, it shall be the duty of the said commissioners of highways or county superintendents, as the case may be, within a reasonable time to employ a competent surveyor and have any road designated in such petition to be once [re]surveyed.

§ 79. DAMAGES TO BE DETERMINED.] Whenever the commissioners of highways of any town or road district or upon appeal from their decision, the county superintendent of highways has entered a preliminary order as aforesaid for the establishment, vacation, widening or alteration of a road, and a survey therefor has been completed as hereinbefore provided, proceedings shall next be taken to fix the damages which will be sustained by the adjoining land owners by reason of such alteration, vacation, widening or laying out. In case such preliminary order was entered by the commissioners of highways, they shall act for the town or district in all matters relating to the fixing of damages, as well as the surveying of such road. But in case such order was entered by the county superintendent of highways on appeal, as aforesaid, the

said county superintendent shall represent the said town or district in such matters.

§ 80. DAMAGES MAY BE AGREED UPON.] The damages sustained by the owner or owners of land by reason of the establishment, alteration, widening or vacation, as aforesaid, may be agreed upon by the owners of such lands if competent to contract, and the commissioners of highways or county superintendent, as the case may be. Such damages may also be released by such owners, and in such case the agreement or release shall be in writing, the same shall be filed and recorded with the copy of the order establishing, altering, widening or vacating such road in the office of the town or district clerk, and shall be a perpetual bar against such owners, their grantees and assigns for all further claims for such damages.

§ 81. INDUCEMENTS MAY BE OFFERED.] Any person or persons interested in the establishment, alteration, widening or vacation of any public road in this State, are hereby authorized to offer inducements to the commissioners of highways or county superintendent of highways, as the case may be, for the establishment, alteration, widening or vacation of any such road, by entering into contract with said commissioners or county superintendent, conditioned upon such establishment, alteration, widening or vacation, to pay money or other valuable thing to the town or district for the benefit of the road or bridge funds of the same; or to perform any labor, or construct any road, bridge or culvert on any road which said person or persons desire to be established, widened or altered. Any such contracts in writing made with said commissioners of highways or county superintendents shall be deemed good and valid in law and may be enforced by said commissioners or superintendent, or his or their successors in office, before any court having jurisdiction.

§ 82. SUMMONING JURY TO ASSESS DAMAGES—SUMMONS TO OWNERS.] In case such damages are not released or agreed upon as in the preceding section specified, the commissioners, or in case of appeal the county superintendent of highways, shall, within ten days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that he is about to establish, widen, vacate, or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such lands, if known, and if not known, stating the fact and asking for a jury to assess the damages of such owners, and shall present such certificate to some justice of the peace of the county, who, on receipt of the same, shall, within five days, issue a summons against the land owners concerned, which summons shall be in the following form as nearly as the case will admit, viz:

State of Illinois,)
 } ss.
.....County,)

The People of the State of Illinois, to any constable of said county—

GREETING:

You are hereby commanded to summon.....to appear before me at on the.... day of..... at.....o'clock, and prove to a jury then and there to be empaneled. such damages as (he or they) may sustain on account of the establishing, altering,

widening or vacating the road described in a certificate of the commissioners of the town of or road district No. (or county superintendent of highways acting for said town or road district No.) in said county, which certificate is now on file in my office.

Given under my hand and seal this day of, 19...

.....

Justice of the Peace.

In which summons the justice shall specify a certain place, day and hour for the trial, not less than six nor more than fifteen days from the date of such summons, at which time and place such land owners are to appear. Such summons shall be served at least three days before the time of trial mentioned therein, by reading the same to the land owners therein named.

§ 83. IF OWNER INFANT, ETC., HOW SERVED.] If any such owner is an infant, such summons shall be served by delivering a copy to the infant and its guardian, if any; if no guardian, the person with whom he or she resides. If any owner is a lunatic or habitual drunkard, having a conservator, or insane, by delivering a copy to his conservator, if any.

§ 84. NOTICE TO NON-RESIDENT OWNERS—CONTINUANCE.] In case it shall appear, either from the certificate of the commissioners or county superintendent of highways, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there are non-resident or unknown owner or owners who cannot be found and served within the county, such justice shall also cause notice to be delivered to the occupant of such lands, and the contents and nature thereof to be made known to such occupant and also to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least ten days before the time fixed in the summons for hearing proof of damages, stating the time and place, as stated in said summons, and describing the road to be established or altered, and the lands for which damages are to be assessed; and in case service is made upon any owner by posting notices as above provided, the justice shall continue said hearing for a period not exceeding twelve days.

§ 85. MANNER OF SELECTING JURY—CHALLENGE.] Such justice shall also forthwith issue a venire directed to any constable of the county, to summon six persons having the qualifications of jurors to appear at such time and place as may be designated for the proving of such damages, whose competency shall be determined the same as in other civil cases before justices of the peace. Either party to the case shall have the same right of challenge as in other civil cases; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in such county: *Provided*, that not more than one-half of such jury shall be residents of the town or district liable to pay the damages assessed in the case: *Provided, further*, that changes of venue may be granted, if applied for before the commencement of the trial, in the same manner as in other civil causes before justices of the peace.

§ 86. OATH TO JURY—TRIAL TO BE CONDUCTED AS IN OTHER CIVIL CASES.] The jury shall appear before and be sworn by such justice faithfully and impartially to assess the damages of each of the owners

specified in such certificate, or those of them whose claims are then to be adjusted, according to law, to the best of their judgment and understanding; and all parties in interest shall be entitled to subpoenas and other writs and papers, and the trial shall be conducted as in other civil cases.

§ 87. TRIAL—VERDICT—JUDGMENT DAMAGES—BENEFITS.] The case shall be entitled, “Town of.....(or road district No.....) vs.....” (whoever may be summoned as land owners), and the jury shall hear such lawful evidence touching the question of such damages as may be presented to them; and they shall also, on request of the commissioners of highways or county superintendent of highways, as the case may be, or owners of lands whose damages are to be determined, in a body visit and examine the proposed location, alteration, widening or vacation of such road and the lands to be taken or affected thereby, and make a written verdict specifying the amount of damages, if any, which every such owner shall recover, and return the same to such justice, to be by him entered on his docket in the nature of a judgment: *Provided*, that in estimating the damages, except damages to land actually taken for a road, the jury may consider the benefits conferred; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 88. APPEAL.] Any person or persons interested in the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to the county or circuit court within ten days after such decision has been rendered, by filing a written petition with the justice of the peace, from whose decision they desire to appeal, asking for an appeal and stating on what grounds such appeal is taken.

§ 89. COSTS OF APPEAL—APPEAL BOND.] Any parties taking appeal from the verdict of the jury as aforesaid, shall file a sufficient bond with the justice of the peace, before taking such appeal, conditioned for the payment of the cost of such appeal in case the verdict of the jury is in all things sustained or the appeal dismissed; if the verdict of the jury shall not be sustained, the district shall pay the costs of such appeal. When such appeal is taken from the verdict of the jury called by the justice of the peace to assess damages as aforesaid, and when the commissioners of highways or county superintendent, as the case may be, shall be unable to agree with the owners of lands in regard to such damages, then all proceedings shall cease until the amount of damages is settled by the county or circuit court on appeal as aforesaid.

§ 90. FINAL ORDER OF HIGHWAY COMMISSIONERS OR COUNTY SUPERINTENDENT OF HIGHWAYS.] Within twenty days after the damages likely to be sustained by reason of the proposed laying out, alteration, widening or vacation of any road shall have been finally ascertained, either by agreement of the parties or by trial in a court of the justice of the peace, or on appeal to the county or circuit court, or within twenty days after such damages may have been released, as aforesaid, the commissioners of highways shall hold a public hearing at which they shall hear and consider reasons for or against the proposed laying out, widening, alteration or vacation of such road, and at which time and place they shall publicly announce their final decision relative thereto. The commissioner[s] of highways shall give public notice of such public

hearing by posting notices thereof in at least three of the most public places in the town or district for at least five days prior thereto. At such time and place the commissioners of highways shall determine upon the advisability of such proposed laying out, widening, alteration or vacation of such road and shall make an order for the same and shall within five days thereafter file such order in the office of the town or district clerk.

§ 91. APPEAL FROM FINAL COMMISSIONERS' ORDER.] From such order of the commissioners of highways finally determining the advisability of such proposed laying out, alteration, vacation or widening of any road, any person interested therein may appeal to the county superintendent of highways by filing a notice of such appeal in the office of the town or district clerk within ten days of the date of filing the decision appealed from. Thereupon such clerk shall at once transmit all papers relating to such proposed laying out, alteration, vacation or widening of such road to the county superintendent of highways, who shall within twenty days after the receipt of the same, hold a public hearing within such town or district to finally determine upon the laying out, vacation, widening or alteration of such road. Such hearing shall be upon such notice and conducted in like manner as the hearing before the commissioners of highways relative to such final decision and from which appeal has been taken. The final order of the county superintendent of highways, relative to such proposed laying out, alteration, widening or vacation of such roads shall be filed with the town or district clerk within five days from the date of such public hearing.

§ 92. EFFECT OF FINAL ORDER.] In case the commissioners of highways, or upon appeal from their decision the county superintendent of highways, shall finally determine as aforesaid against the advisability of the proposed laying out, alteration, widening or vacation of such road, such order shall have the effect to annul and revoke all proceedings and assessments, releases and agreements in respect to damages growing out of the proceedings upon the petition aforesaid. In case the commissioners or county superintendent shall not revoke such prior proceedings, he or they shall make an order to be signed by him or them, declaring such road to be altered, widened, vacated or laid out as a public highway and which order shall contain or have annexed thereto a definite description of the line of such road, together with the plat thereof. The commissioners of highways or county superintendents, as the case may be, shall file within five days from the date of his final order, cause the same, together with the report of the surveyor, the petition and the releases, agreements or assessments in respect to damages, to be deposited and filed in the office of the town or district clerk; who shall note upon such order the date of such filing. It shall be the duty of such clerk to record such order, together with the plat of the surveyor in a proper book to be kept for that purpose.

§ 93. PROCEEDINGS SUBSEQUENT TO FINAL ORDER.] After it has been finally determined that a road shall be laid out, widened, altered or vacated, either by the commissioners of highways, or upon appeal, by the county superintendent of highways, all proceedings subsequent thereto on behalf of the town or district shall be taken by the commissioners of highways thereof as hereinafter provided. And such commissioners

of highways in such cases are hereby authorized and empowered to resort to all necessary proceedings not inconsistent with the provisions of this Act to secure the laying out, widening, alteration or vacation of any such road.

§ 94. RECORDS OF TOWN OR DISTRICT CLERK—EVIDENCE—EFFECT OF SAME.] The records of the town or district clerk, or a certified copy of such record and papers, relating to the establishment, location, alteration, widening or vacation of any road shall be *prima facie* evidence in all cases that all the necessary antecedent provisions have been complied with, and that the action of the commissioners or other persons and officers, in regard thereto, was regular in all respects.

§ 95. LIMITATIONS OF TIME TO OPEN.] All roads laid out as herein provided shall be opened within two years from the time of laying out the same. If the damages resulting from the establishing of such roads shall not be paid within ninety days from the time of the final determination to open the same as aforesaid, such new roads shall be deemed to be vacated.

§ 96. REMOVAL OF FENCES—NOTICE.] Whenever a public road is ordered to be established or altered, according to the provisions of this Act, which road shall pass through or on enclosed land, the commissioners of highways shall give the owner or occupant of such land sixty days notice in writing, to remove the fences. If such owner or occupant does not remove the fence or fences within sixty days after such notice, the commissioners shall have the same removed, and direct the road to be opened and worked; the owner of such premises shall pay all necessary costs of the removal, and the same may be recovered by the commissioners of highways in any court of competent jurisdiction.

§ 97. CROPS—REMOVAL OF.] When any road opened according to the provisions of this subdivision shall pass over enclosed lands, the owners of such lands shall have a reasonable time, not exceeding eight months, to be designated by the commissioners of highways to harvest crops and remove fences which may be on such lands before such road or cartway shall be opened.

§ 98. PRIVATE ROADS.] Roads for private and public use of the width of three rods or less, may be laid out from one dwelling or plantation of an individual to any public road, or from one public road to another, or from a lot of land to a public road, or from a lot of land to a public waterway, on petition to the commissioners by any person directly interested. Upon receiving such petition, proceedings shall be had respecting the laying out of such road as in the case of public roads. In case the commissioners of highways or upon appeal, the county superintendent of highways shall enter a preliminary order for the laying out of such road, the said highway officer or officers making such preliminary order shall, if possible, and the parties are competent to contract, agree upon the total amount of damages, together with the portion thereof to be paid by the town or district, as well as by each of the land owners benefited by such private road. In case such damages cannot be determined or apportioned by agreement, the same shall be fixed as in the case of public roads. The amount of such damages shall be paid by the persons benefited thereby, to the extent and in propor-

tion that they are benefited as determined and declared by the court. The remainder of the amount of damages over and above that to be paid by the parties aforesaid, shall be paid by the town or district as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto, before the road shall be opened for use. In all other respects the provisions of this Act relative to the opening, vacation, alteration or widening of public roads shall be applicable also to the laying out, alteration, widening or vacation of private roads.

§ 99. ROADS ON TOWN OR DISTRICT AND COUNTY LINES, ETC.] Public roads may be established, altered, widened or vacated on county or township or district lines, or from one township or district to another, and in case a railroad right of way or stream of water joins the boundary line of such county line, then along the line of such railroad right of way or stream of water, in the same manner as other public roads, except that in such cases, a copy of the petition shall be posted up in and presented to the commissioners of each town or district interested; said petition to be as in other cases, and signed by not less than twelve, or two-thirds of the owners of land residing thereon, in either township or district or county within two miles of the road to be so altered, widened, vacated, located or laid out. Whereupon it shall be the duty of the commissioners of the several towns or districts to meet and act together, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road, alteration, widening or vacation, and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and towns or districts interested. In case the said commissioners are unable to agree, the county superintendent of highways shall act as arbitrator between them in case the towns or districts shall lie within the same county, and if in different counties the State Highway Commission or any person designated by him, shall so act. All appeals hereinbefore provided for may likewise *to* be taken to the county superintendent of highways, or in case the towns or districts shall lie in two or more counties, to the State Highway Commission.

§ 100. COMMISSIONERS TO ALLOT ALL OR PART OF ROAD TO EACH TOWN OR DISTRICT—ALSO TO DIVIDE DAMAGES AND EXPENSES—ARBITRATION.] The commissioners shall also, in case a new road is established, allot to each of such towns or districts the part of such road which each of such towns or districts shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town or district. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree, they shall refer the matter to the county superintendent of highways or in case the towns or districts shall lie in two or more counties, to the State Highway Commission, whose decision shall be final.

§ 101. ROADS HERETOFORE LAID OUT ON COUNTY OR DISTRICT OR TOWN LINES.] All roads heretofore or hereafter laid out upon town or district or county lines shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is or shall be laid out on any county or town or district line, and in case a rail-

road right of way or stream of water forms the boundary line of town or district or county, or crowds the public road off from such town or district or county, then the road alongside such railroad right of way or stream of water, shall be held to be a road on a county or town or district line, although owing to the topography of the ground along such county or town or district line, or at the crossing of any stream of water the proper authorities in establishing or locating such road may have located a portion of the same to one side of such county or district or town line or railroad right of way, or stream of water, and the expenses of keeping in repair such road shall be assessed by each town or district or county interested.

§ 102. STATE LINE ROADS.] Roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

§ 103. WHERE ROAD PROPOSED ACROSS OR ALONGSIDE RAILROAD—NOTICE.] In addition to the notices now required by law in proceedings for laying out, locating or opening of public roads, similar notices shall be served on any railroad company across or alongside of whose railroad it may be proposed to locate a public road: *Provided*, that this Act shall not apply to the proceedings for opening streets in towns or cities.

§ 104. NOTICES ON RAILROAD COMPANIES—HOW SERVED.] The notices as provided by this Act shall be served by delivering a copy thereof to the station agent of any such railroad company nearest to the proposed location of such projected public roads.

SUBDIVISION VII.

Repair and Maintenance of Roads and Bridges.

§ 105. HOW ROADS TO BE GRADED—WALK—PENALTY FOR DRIVING ON CROSSINGS.] In grading roads, wherever practicable, it shall be done so as to leave not less than one-tenth of the width of the road on each side for a sidewalk; and the space between these points shall be made a regular oval grade so that the entire space can be used for traveling purposes; and it shall be unlawful to ride or drive on such walk; and any person so offending shall be subject to a fine of \$1.00 for each offense. Grading shall be done before the first of September in each year. Corner stones marking sectional or other corners shall not be disturbed, except to so grade the road that these, if in the line of travel shall not rise above the surface, and corner stakes shall be replaced by good and substantial stones. In grading public roads, if a ditch is made at the junction of roads, or at the entrance of gates or other openings of adjoining premises, the road authorities shall construct good and sufficient culverts, or other convenient crossings.

§ 106. SIDEWALKS IN UNINCORPORATED VILLAGES.] Highway commissioners are hereby authorized to build sidewalks in unincorporated villages out of any delinquent road tax belonging to the town or road district in which such village is located.

§ 107. (A) ROAD DRAGS.—AUTHORITY AND USE.] The commissioners of highways in the several towns or districts and the county boards

in the counties of this State are hereby authorized to have earth roads dragged at all seasons of the year whenever the surface of the roads become rough so they will not properly shed the water which falls upon them; and they may contract, a preference to be given adjoining land owners or tenants, to have a given piece of road dragged at a rate not to exceed one dollar (\$1.00) per mile for each time dragged, if such work is done during the months of December, January, February or March, and not to exceed a rate of seventy-five (75) cents per mile for each time dragged, if such work is done during other months of the year than aforesaid: *Provided*, that the width required by the highway commissioners to be dragged shall be not less than fourteen (14) feet, if the width of roadway will permit: *Provided, also*, that the dragging is done as nearly as practicable in accordance with the instructions of the highway commissioners of the town or district.

(B) OBSTRUCTING DRAINAGE.] It shall be unlawful for any person or persons to place loose earth, weeds, sods, or other vegetable matter on the portion of a road which has been dragged and so maintained in good condition, or to place any material in such a manner as to interfere with the free flow of water from the dragged portion of the road to the side gutters or ditches: *Provided*, that this restriction shall not apply to deposits of earth or other material that may be made by the authority of the proper road officials, if necessary for filling or raising the elevation of a given section of road or other necessary construction work.

TRAVEL REGULATED.] It shall also be unlawful for any person or persons to drive or cause to be driven a vehicle of any description in or upon any portion of the highway immediately after the same has been dragged and before such portion of the highway shall have partially dried out or frozen: *Provided*, that nothing in this section shall apply in those instances where it is impossible to drive with safety at one side of said dragged portion of the road, or where a vehicle does not make a rut on such dragged portion of the road, injurious to the work accomplished by use of the road drag, or where a vehicle does not make a rut nearer than nine (9) feet from the center of the dragged portion of the road.

SUBDIVISION VIII.

Gravel, Rock and Macadam—Hard Roads.

§ 108. PETITION FOR ROAD—NOTICE—ELECTION—VOTE—RATE PER CENT.] On the petition of twenty-five per cent of the land owners who are legal voters of any township to the town clerk thereof, in counties under township organization or road districts in counties not under township organization, to the district clerk, he shall, when giving notice of the time and place for holding the next annual town meeting or road district election, also give notice that a vote will be taken at said election or meeting for or against an annual tax not to exceed one dollar on each one hundred dollars assessed valuation of all the taxable property, including railroads in the township or road district, for the purpose of constructing and maintaining gravel, rock, macadam or other hard roads. Said petition shall state the location and route of the proposed road or roads, and shall also state the annual rate per cent not exceed-

ing one dollar on each one hundred dollars, and the number of years not exceeding five, for which said tax shall be levied. If in any such petition a special election shall be requested for such purposes it shall be called in the manner provided for calling special elections in section 112 of this Act.

§ 109. BALLOTS.] The ballots at said election shall be substantially in the following form:

| | | |
|---|-----|--|
| For special tax for gravel, rock, macadam or other hard roads. | Yes | |
| | No | |

§ 110. DUTY OF COMMISSIONERS—TAX DONATIONS.] If a majority of all the ballots cast at said election on said proposition shall be in favor of said special tax, then it shall be the duty of the commissioner of highways of the township or road district to levy an annual tax in accordance with said vote and certify the same to the county clerk. He shall also cause a copy of such certificate of levy to be filed in the office of the town or district clerk as provided in section 57 of this Act. The county clerk shall cause such levy, thus certified to him to be extended on the tax books for the current year and for each succeeding year, as stated in the certificate so filed with him: *Provided*, that the length of time for which the special tax levy shall continue shall not exceed five years. The commissioner may also receive donations in money, labor, materials or other valuable things, to aid in the construction of said road.

§ 111. LEVY AND COLLECTION OF TAX.] The county clerk, when making out the tax books for the State and county tax for the collector, shall in each year for the number of years stated in such certificate extend the special tax in separate columns against each tax payer's name or taxable property, as other taxes are extended, which shall be collected the same as State and county taxes, and known as the permanent road fund.

§ 112. BORROWING MONEY.] On the petition of the commissioners of highways, in his official capacity, and of one hundred of the free holders of any town or district (or where there may be less than two hundred such free holders, then a majority of them) to the town or district clerk requesting him, when giving notice of the time and place for holding the next annual town meeting or road district election, to also give notice that a vote will be taken at said election or meeting on the proposition, "For borrowing \$..... (to construct or maintain gravel, rock, macadam or other roads, or to construct or repair any bridge or bridges, or to construct or to repair any other distinctive work on the road)," he shall, when giving notice of the time and place for holding the next annual town meeting or road district election, also give notice, that a vote will be taken at said election or meeting upon the proposition, "For borrowing \$..... (to construct or maintain gravel, rock, macadam or other roads, or to construct or repair any bridge or bridges, or to construct or repair any other distinctive work on the road)."

If in any such petition a special election shall be requested for such purpose, it shall be called as follows:

Upon the filing of such petition the town or district clerk shall call such special town or district election by posting up in ten of the most public places in said town or district, at least ten days prior to the day fixed for said special town or district election, notice of such special town or district election, which notices shall state the filing of said petition, the time and place of said special election, and that a vote will be taken at said election or meeting upon the proposition, "For borrowing \$..... (to construct or maintain gravel, rock, macadam, or other roads, or to construct or repair any bridge or bridges, or to construct or repair any other distinctive work on the road)," and the manner in which the voting is to be had.

Such special election shall be held at the place of the last annual town or district election, and returns thereof shall be made in the same manner as other special or district elections are now or may hereafter be provided by law.

The vote at such regular or special election shall invariably be by a separate ballot and shall be in the following form:

| | | |
|--|-----|--|
| For borrowing \$.....to construct or main- tain gravel, rock, macadam or other roads. | Yes | |
| | No | |

And if it shall appear that a majority of the legal voters voting at said election on said proposition voted in favor of said proposition, the commissioners of highways and the town or district clerk, as the case may be, shall issue (from time to time as the work progresses) a sufficient amount, in the aggregate, of the bonds of said town or district for the purpose of building and maintaining gravel, rock, macadam or other roads, or for the purpose of constructing or repairing such bridge or bridges, or for the purpose of constructing or repairing such other distinctive work on the road as the case may be. Said bonds to be of such denominations, bear such rate of interest, not exceeding five per cent, upon such time, and be disposed of as necessities and convenience of said town or district may require: *Provided*, that said bonds shall not be sold or disposed of either by sale or by payment to contractors for labor and materials for less than their par value; such bonds to be issued in not more than ten annual series; the first series of which shall mature not more than five years from the date thereof and each succeeding series in succeeding years thereafter. A register of all issues of said bonds shall be kept in the office of the county clerk of the county in which said township or district is located, showing the date, amount, rate of interest, maturity, and the purpose for which said bonds were issued, which information shall be furnished to the county clerk in writing by the town or district clerk, and it shall be the duty of such county clerk to extend annually against the property in said township or road district a tax sufficient to pay the interest of said bonds in each year prior to the maturity of such first series and thereafter he shall extend the tax in each year sufficient to pay each series as it matures, together with

interest thereon and with the interest upon the unmatured bonds outstanding. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached, which shall be signed by the same officers who executed by original or *fac-simile* signatures the bonds: *Provided, however,* that the amount, including the principal and interest to be voted upon, shall not exceed the amount which can be raised during a period of five years by a levy of one dollar per year on each one hundred dollars of taxable property as taken for assessment purposes in such town or district; the proceeds of said bonds to be paid to the treasurer and to be disbursed by him upon the order of the commissioners of highways.

§ 113. DUTY OF TREASURER.] The treasurer of the road and bridge fund of any town or district before receiving any of said fund herein provided for, shall execute a good and sufficient bond, with two or more sureties, to be filed with the town clerk or district clerk, as the case may be, for the benefit of the town or district, in double the amount which will probably come into his hands by virtue of this subdivision of this Act.

§ 114. TAX COLLECTOR—DUTY—COMMISSION.] The tax, when collected, shall be paid to said treasurer as fast as collected, except such rate per cent as shall be allowed for collecting the same, and said tax shall be known and kept as the permanent road fund. The treasurer shall be allowed one per cent on all of said fund that comes into his hands.

§ 115. SURVEYS, ESTIMATES, ETC.] Whenever it shall be voted to construct gravel, rock, macadam or other hard roads in any township or district it shall be the duty of the county superintendent of highways of the county in which said township so voting is located to at once survey (or cause to be surveyed) the route of the road thus to be improved, and to prepare suitable maps, plans, specifications, and estimates of the cost of the proposed improvement. The county superintendent of highways shall divide the same into convenient sections, each of which shall be numbered. The county superintendent of highways, upon the completion of said maps, plans, specifications, and estimates, shall file one copy of the same with the town or district clerk of the township wherein the proposed road is to be constructed and one copy with the commissioners of highways of said township.

§ 116. PLANS—BIDS—NOTICE.] When the plans and specifications are completed, the commissioners shall advertise for sealed bids for said work, by publishing a notice thereof for at least three weeks in some newspaper published in said township or road district. If there is no newspaper published therein, then in the newspaper published nearest said township or road district, and also by posting notices in at least ten of the most public places in said town or road district.

§ 117. PLANS AND SPECIFICATIONS—WHAT TO CONTAIN.] The plans and specifications shall provide for the grading of a road-bed of not less than 20 feet in width on the surface, and so constructed as to drain freely to the sides and with all necessary side and lateral ditches and tile drains, bridges and culverts, and a track laid with gravel, rock, macadam or other hard and durable substance, not less than seven nor more than sixteen feet in width, and if constructed of gravel or broken stone, not less

than ten inches thick in the center, and eight inches thick on the edges: *Provided, however*, this section shall be considered as directory only, and shall not prohibit the making of roads of different width or thickness, in the discretion of the commissioners.

§ 118. COMMISSIONERS—OPENING BIDS—FAILURE TO GIVE BOND.] The commissioners shall appear at the time and place appointed, for the purpose of opening the bids and shall proceed to let the contract publicly to the lowest responsible bidder or bidders by sections, with proper specifications of the various kind of labor or material on each section, and bidders shall be required to separately state their bids for each class of work in such manner as the commissioners may provide, and each contractor shall be required to give bond with good and sufficient sureties for the performance of his contract, payable to the commissioners for the use and benefit of the town or district with the necessary specifications and stipulations on the part of the contractor entered therein: *Provided, however*, no contract in excess of the sum of two hundred dollars (\$200.00) shall be let by the commissioners of highways in any town or district without the approval of the county superintendent of highways. No commissioner shall be interested either directly or indirectly in any contract relating in any manner to said road.

§ 119. MAY REJECT BIDS.] If the commissioners of highways shall be of the opinion that the bids are too high, they may reject the same. No contract shall be deemed as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond with two good and sufficient sureties with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of highways upon the failure to comply with the conditions of his or their contract.

§ 120. ESTIMATE—PAYMENT OF CONTRACTOR.] The county superintendent of highways shall make estimates of the work done, and certify the same to the commissioners of highways of said township, not oftener than once in thirty days, as may have been provided in the contracts, and the said commissioners of highways shall then issue an order on the treasurer in favor of the contractor, reserving not less than 20 per cent of said estimates, to guarantee the completion of the contract. Upon the completion of the contract the commissioners and the county superintendent of highways shall make a thorough and complete examination and estimate of said work, and, if found in accordance with the specifications of the contract, the commissioners, upon the certificate of the county superintendent of highways, shall issue his order on the treasurer for the full amount due the contractor.

§ 121. RECORD—REPORT—SETTLEMENT.] The commissioners shall keep a full and accurate record of all their proceedings under this Act, and shall, upon the completion of the road, file with the town or district clerk all records, papers, plans, plats, estimates, specifications and contracts, and shall make a full report to, and settlement with the board of town auditors or district clerk as provided in section 50 of this Act. If the commissioners fail to make such settlement, the supervisor or board of county commissioners shall cause an action to be instituted against them in the corporate name of the township or road district to enforce such settlement.

§ 122. CONSTRUCTION OF ROAD—MATERIAL.] The commissioners and the county superintendent of highways may, in their discretion, cause the road to be constructed wholly of earth, and by a thorough system of tile and other drainage, when gravel, stone and other suitable hard materials can not be obtained at a cost within the means in the hands of the commissioners.

§ 123. COMMISSIONERS MAY TAKE MATERIALS.] The commissioners, for the purpose of constructing, maintaining or repairing gravel, rock, macadam or other hard roads, as provided in this subdivision and for procuring materials therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction and repairing of said roads: *Provided*, that the commissioners of highways, their employees, or teams, shall not enter upon such lands for the purpose in this section stated, without having paid or tendered the amount of damage allowed or agreed upon: *Provided*, that the commissioners and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, cannot agree as to the amount of damage or value of material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 124. COMPENSATION OF COMMISSIONERS AND EMPLOYEES.] The commissioners shall receive the same compensation for their services under this subdivision of this Act as for services under the common road law: *Provided, however*, they shall not receive benefit for both kinds of service on the same day. The assistants or employees shall receive such reasonable compensation as may be agreed upon. The commissioners shall be paid out of the road and bridge fund of the town or district. The other employees shall be paid by the commissioners out of the permanent road and bridge fund and none other.

§ 125. EXTENSION OF ROAD WITHIN CITY OR VILLAGE.] Whenever a special tax shall have been levied under the provisions of this subdivision of this Act, the commissioners of highways of any town or district may, by agreement with the city council or board of trustees of any city or village of less than 10,000 population, extend any road improved under the provisions of this subdivision within or through the corporate limits of such city or village: *Provided*, such extension within such city or village shall be of the same cost and kind of material as the road outside such city or village, to be paid for out of said special tax and after completion to be maintained by the municipal authorities of such city or village at the cost of such city or village.

§ 126. POWERS OF COUNTY BOARD.] The several county boards of counties are hereby vested with the same powers for constructing, repairing and maintaining gravel, rock, macadam or other hard roads in their respective counties as the commissioners of highways acting severally or together or with the several county superintendents of highways according to the provisions of this Act. The county board of any county may also assist any town or road district therein in the construction of a hard road under the provisions of this Act, to the extent of twenty-five per cent of the cost thereof: *Provided, however*, that the question of raising a special permanent road tax or of issuing bonds for the pur-

poses set forth in this Act, shall first be submitted to the legal voters of the county, at any regular election for county officers, on the petition of one hundred land owners who are legal voters in said county, to the county clerk, previous to time of posting the notices for said county election, said petition and notices to designate the road or roads to be improved and number of years, not to exceed five, for which the tax shall be continued.

§ 127. BALLOTS—ELECTION—TAX.] The ballots to be used at elections provided for in the preceding section shall be in the form prescribed in section 109 of this Act. If a majority of all the ballots cast at said election shall be in favor of the special permanent road tax, it shall be the duty of the county board to direct the county clerk to extend such tax against all the taxable property, including railroads in said county, and proceed in the construction of the road or roads voted for in the same manner as provided for the guidance of commissioners of highways in their respective towns or districts.

§ 128. ROADS TO BE FREE.] All roads constructed under the provisions of this subdivision of this Act, either by towns or districts or counties shall be free for public travel and kept in repair by the proper authorities thereof.

§ 129. SURPLUS FUND.] All surplus funds remaining in the hands of the treasurer of the town or district after the completion of any road provided for under this subdivision of this Act shall be turned over to the common road fund of said town or road district, as the case may be, except so much thereof as the commissioners may order retained for the purpose of repairing said permanent road.

ARTICLE VII.

CERTAIN PROVISIONS APPLICABLE GENERALLY TO HIGHWAY OFFICIALS.

§ 130. TILE DRAINS—CONTRACT WITH OWNERS.] Whenever the commissioners of highways are about to lay a tile drain along any public road other than a State aid road, or the State Highway Commission or county superintendent of highways is about to lay such tile drain along a State aid road, the said highway commissioner[s], State Highway Commission, or county superintendent of highways, as the case may be, shall have the power to contract with the owners or occupants of adjoining lands to lay larger tile than would be necessary to drain the road, and to permit connection therewith by such contracting parties to drain their lands: *Provided*, that all such contracts on roads other than State aid roads for a sum in excess of \$200.00 shall be made on behalf of any town or road district by the highway commissioners thereof, with the consent of the county superintendent of highways.

§ 131. WILLOW HEDGES—PUBLIC NUISANCE.] Where willow hedges, or a line of willow trees have been planted along the margin of a road, so as to render tiling impracticable, the commissioners of highways if the road be other than a State aid road, and the State Highway Commission or the county superintendent of highways, if the road be a State aid road, may contract with the owner for their destruction; and they shall

be destroyed before tiling. The planting of these trees hereafter on the margin of roads is hereby declared to be a public nuisance.

§ 132. CARRIAGES MAY BE KEPT OFF HIGHWAYS—WHEN.] The proper highway officials are hereby authorized to keep carriages and vehicles of every kind off the public highways wherever necessary to properly repair the same.

§ 133. COMMISSIONERS MAY ENTER LANDS TO OPEN DITCHES, ETC.—WHEN OWNER WILL NOT CONSENT—PROCEEDINGS.] The highway commissioners of the towns and road districts are hereby authorized to enter upon any land adjacent to any highway in their respective towns or districts for the purpose of opening any ditch, whenever it shall be necessary to open a water course from any highway to the natural water course; and to dig, open and clean ditches upon said land for the purpose of carrying off the water from said highways; or to drain any slough or pond on said highways: *Provided*, that unless the owner of such land, or his agents, shall first consent to the cutting of such ditches, the commissioners shall apply to any justice of the peace of the county in which such road is situated for a summons, directed to any constable of said county, commanding him to summon the said owner to appear before the said justice, at a time and place specified in such summons, not less than five nor more than fifteen days from the date thereof, for the purpose of having the damages assessed which such owner may sustain by reason of the digging or opening of such ditches or drains. The said summons shall be under the hand of such justice and be served in the same manner as summons is now served in civil actions before justices of the peace. On the return of such summons, a venire shall be issued for a jury, as in other cases in the trial of civil actions before justices of the peace, which jury shall assess such damages and render a verdict therefor. Whereupon judgment shall be entered by the justice in accordance with the verdict. If either party shall feel aggrieved by such judgment, an appeal may be taken as in other cases: *Provided*, bond is filed within five days from the time of entering of the judgment. If no appeal is perfected within five days the amount so awarded shall be paid before the commissioners of highways shall be warranted and empowered to enter upon such lands and dig, open and clean such drains, ditches and water courses as aforesaid for the purposes contemplated in this Act. The commissioners are authorized to use the poll tax and road money of their town or district for the payment of such judgment: *Provided*, that not more than one-half of such jury shall be residents of the town or district which is liable to pay the damages: *Provided, further*, that in case the owner of said lands is a non-resident, service may be had by leaving a copy with the occupant or agent, or by notice in the same manner as prescribed in section 84 of this Act.

§ 134. MATERIAL FOR CONSTRUCTING ROADS—EMINENT DOMAIN.] The State Highway Commission, the State Highway Engineer, the county superintendent of highways and the commissioners of highways of any town or district, for the purpose of constructing, maintaining or repairing gravel, rock or other roads, and for procuring material therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary

for the construction or repair of said roads: *Provided*, that such State Highway Commission, State Highway Engineer, county superintendent or commissioners of highways, their employees or teams shall not enter upon such lands for the purpose stated in this Act without having paid or tendered the amount of damages allowed or agreed upon: *And, provided, further*, if such State Highway Commission, State Highway Engineer, county superintendent of highways or commissioners of highways and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, can not agree as to the amount of damage or value of such material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 135. AUTHORITY TO STRAIGHTEN WATER COURSES.] Whenever any public road shall be petitioned for, and located, in part, in the bed of any stream, the highway commissioners of the several towns or districts are hereby authorized to enter upon the adjacent land on which said stream is located, for the purpose of changing the current of the said stream, so that it will not flow upon or over such proposed roadway; and to dig any necessary ditches for such purpose: *Provided*, that in case the owner of such land or his agent shall not consent to such straightening of said stream, then the commissioners shall first proceed to have the damages assessed and paid, in the same manner as is now provided for the assessment and payment of damages in proceedings to open ditches for the drainage of public highways.

§ 136. RIGHT OF OWNER TO MAKE CROSSING—COSTS.] Any person owning, using or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, said person shall erect at his own expense, a good and substantial bridge, with good railings on each side thereof, and build an embankment, of easy grade, on either side of said bridge; said bridge to be not less than sixteen feet wide, and to be approved in the case of a State aid road by the State Highway Commission, State Highway Engineer or county superintendent of highways, and in the case of any other than a State aid road, to be approved by the commissioners of highways of the town or district in which said bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, the construction subject always to the consent and approval of said State Highway Commission, State Highway Engineer, county superintendent of highways or commissioners of highways, as the case may be: *And, provided, further*, that in case such crossing is made on any waterway or natural channel for water and where a culvert or bridge is maintained as required for road purposes, said owners or occupants shall not be required to pay for or construct any more of said crossings than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for road purposes at such place.

§ 137. TO KEEP DOWN WEEDS.] The commissioners of highways in their respective towns or road districts, shall annually, at the proper season, to prevent the spread of the same, destroy or cause to be destroyed, all cockle burr, Canada thistles, Russian thistle and all other kinds of thistles, or other noxious weeds, growing brush or plants grow-

ing on or upon all public roads other than State aid roads within their respective towns or districts. The State Highway Engineer or the county superintendent of highways shall attend to the destruction of such weeds, thistles and plants upon all State aid roads. It is also hereby made the duty of the highway officers aforesaid to seasonably mow and keep down all weeds or other vegetation growing along the highways under their respective jurisdictions.

PENALTY.] Any highway officer failing to comply with the provisions of this section shall be liable to a fine of not less than \$10.00 or more than \$25.00 for each season in which he shall neglect the requirements of this Act.

§ 138. CAPACITY OF BRIDGES AND CULVERTS.] It shall be unlawful hereafter to construct any bridge or culvert upon any ravine, creek or river upon a public highway or street in any town, county or city in this State unless such bridge or culvert shall have the capacity of sustaining a weight of at least one hundred pounds to the square foot.

PENALTY.] Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed \$200.00.

ARTICLE VIII.

LAW OF THE ROAD—OFFENSES AND PENALTIES.

§ 139. CERTAIN ROADS DECLARED PUBLIC HIGHWAYS.] All roads in this State which have been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which have been established by dedication or used by the public as highways for fifteen (15) years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

§ 140. THE TERM CARRIAGE.] The term "carriage" as used in this Act shall be construed to include stage coaches, wagons, carts, sleighs, sleds, automobiles, motorcycles, motor vehicles and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 141. NOTICE AGAINST FAST DRIVING OVER BRIDGE.] The commissioners of highways, the State Highway Commission, the State Highway Engineer, or the county superintendent of highways, when they deem it advisable, may put up and maintain in conspicuous places at each end of any bridge a notice with the following words in large characters: "Five dollars fine for riding or driving on this bridge faster than a walk." If any person shall ride or drive over any bridge, upon which such notice has been placed, faster than a walk, he shall forfeit the sum of five dollars for every such offense.

§ 142. DESTROYING OR DEFACING GUIDE BOARDS, ETC.] For destroying or defacing any guide board, post or milestone, or any notice or direction put up on any bridge or otherwise, by or with the authority of the State Highway Commission, State Highway Engineer, county superintendent of highways, or the commissioners of highways of any town or district, the offender shall forfeit a sum of no [not] less than three dollars, nor more than fifty dollars.

§ 143. DEPOSITING IN ROAD WEEDS, GARBAGE, ETC.] It is hereby declared unlawful for any person to deposit in a public road weeds, trash, garbage or other offensive matter or any broken bottles, glass, boards, containing projecting nails or any other thing likely to cause punctures in the tires of automobiles or motor vehicles; and any person so offending shall be liable to a penalty of not less than three dollars nor more than ten dollars: *Provided, however*, that this section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the roads.

§ 144. INJURING SIDEWALKS, BRIDGES, ETC.] If any person shall purposely destroy or injure any sidewalk, public bridge, culvert, or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three nor more than one hundred dollars, and shall be liable for all damages occasioned thereby and all necessary costs for rebuilding or repairing the same.

§ 145. TURN TO THE RIGHT.] That whenever any person traveling with any carriages, shall meet on any turnpike, road or public highway in this State, the persons so meeting shall seasonably turn their carriages to the right of the beaten track, so as to permit each carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party aggrieved: *Provided*, this section shall not be construed to apply to a case where it is impracticable from the nature of the ground for the driver of the carriage or wagon to turn to the right of the beaten track.

§ 146. DRUNKEN DRIVER—PENALTY.] No person owning any carriage, running or traveling upon any road in this State for the conveyance of passengers, shall knowingly employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness or the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, he shall forfeit at the rate of \$5.00 per day for all the time he shall keep such driver in his employment. Any person driving his own team, or the team of another, on the public highway, when intoxicated, shall be subject to a fine of not less than \$3.00, nor more than \$25.00 for each offense.

§ 147. DRUNKEN DRIVER, DISCHARGE OF.] If any driver, while actually employed in driving any such carriage shall be guilty of intoxication, to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers, and certified by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain, or have in his employ, within thirty days after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice.

§ 148. RUNNING HORSES, ETC., ON PUBLIC ROADS.] No person driving any carriage upon any turnpike, road or public highway within the State, with or without passengers therein, shall run his horses, or carriage or permit the same to run, upon any occasion, or for any purpose whatever, except in case of necessity; and every person who shall offend against the provisions of this section shall be deemed guilty of a mis-

demeanor, and on conviction thereof, shall be fined not exceeding \$100.00 or imprisoned not exceeding sixty days, at the discretion of the court.

§ 149. TEAM TO BE HITCHED.] It shall not be lawful for the driver of any carriage, used for the purpose of conveying passengers for hire, to leave the horses attached thereto while passengers remain therein, without making such horses fast with a sufficient halter, rope or chain, or by placing the lines in the hands of some other person, so as to prevent their running; and if any such driver shall offend against the provisions of this section, he shall forfeit the sum of \$20.00 to be recovered by action, to be commenced within six months; and unless the amount of such recovery be paid forthwith, execution shall be immediately issued therefor.

§ 150. OWNER LIABLE FOR DAMAGES—DRIVER OF STAGE, ETC., GUILTY OF MISDEMEANOR.] The owner[s] of every carriage running upon any turnpike, road or public highway, for the conveyance of passengers, shall be liable, jointly or severally to the party injured, in all cases, for all injuries or damages done by any person in the employment of such owners as a driver while driving such carriage, to any person, or to the property of any person, and that whenever the act occasioning such injury or damage be wilful, negligent or otherwise, in the same manner as such driver would be liable. Any driver of any mail stage coach, or any other vehicle for the conveyance of passengers, wilfully offending against the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding \$300.00, or imprisoned not exceeding four months.

§ 151. INJURING OR OBSTRUCTING ROADS, ETC.] If any person shall injure or obstruct a public road by felling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cuttings of any hedge thereon, for more than ten days, he shall forfeit for every such offense a sum not less than three dollars, nor more than ten dollars; and in case of placing any obstruction on the highway, an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by the commissioners of highways, or in case the road is a State aid road, after he has been ordered to remove the same by the State Highway Commission, State Highway Engineer or county superintendent of highways. Any person feeling himself aggrieved may make complaint under this section: *Provided, however,* this section shall not apply to any person who shall lawfully fell any tree for use and shall immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and who shall give due notice to the proper highway officials of such intention: *And, provided, further,* that the commissioners of highways, State Highway Commission, State Highway Engineer, or county superintendent of highways, as the case may be, after having given reasonable notice (to the owners) of the obstruction, or persons so obstructing, or plowing, or digging ditches upon such road, of the obstruction, may remove any such fence or other obstruction, fill up any such ditch or excavation, except ditches necessary

to the drainage of an adjoining farm emptying into a ditch upon the highway, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by the highway officials having jurisdiction of the road whereon such offense was committed.

§ 152. OBSTRUCTING PERSON IN HIGHWAY.] If any person shall wilfully and unnecessarily hinder, obstruct or delay, or shall wilfully and unnecesssarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any public highway in this State, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten (10) nor more than twenty-five (25) dollars; and shall also be liable for all damages occasioned to any person by reason of a violation of this section.

§ 153. ITINERANT CAMPING ON PUBLIC HIGHWAYS UNLAWFUL.] It shall be unlawful for any itinerant person or persons on any public highway in this State to either hitch or turn loose any stock, cows, horses or other animals for purpose of feeding same or for purpose of temporary camping on such public highways of this State for a period to exceed twelve hours in any one township or district.

PENALTY FOR VIOLATING THIS SECTION.] Any legal voter or resident in this State may enter complaint before any court having jurisdiction against any person or persons found violating this section and it shall be the duty of such court to issue a warrant for the arrest of such violators and have them brought forthwith before said court for examination, and if found guilty of such violation as charged, shall be fined in a sum not less than ten dollars (\$10.00) or exceeding fifty dollars (\$50.00) for each such offense, or committed to the county jail not exceeding thirty days, at the discretion of such court.

§ 154. ENGINES ON PUBLIC HIGHWAYS.] It shall be the duty of persons in charge of any steam, or gasoline or oil traction engine, being propelled over the highways of this State, to stop said engine whenever they meet any person or persons going in the opposite direction on said highway with horses or other animals, until said horses or other animals shall have passed by; and said engine shall be stopped when it is one hundred (100) yards distant from said horses or other animals, and sooner in case said horses or other animals become frightened at said engine before arriving at said distance. The owner or driver of said engine shall also keep a good, trusty man not less than fifty (50) nor more than two hundred (200) yards in advance of said engine, to assist in controlling any horses or other animals being driven or used on said highway; until said horses or other animals shall have passed by said engine; and it shall be the duty of the man thus sent in advance to use all reasonable care and diligence to prevent the occurrence of any accidents which might result in case said horses or other animals become frightened at said steam engine.

WHEN UNLAWFUL TO BLOW WHISTLE.] It shall be unlawful for any person to blow the whistle of said engine while on the public highway.

PENALTY.] Any owner of a steam, or gasoline or oil traction engine, who, by himself, agent or employee, violates the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof,

shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, to be recovered before any court of competent jurisdiction, and shall also be liable for all damages that may be sustained by persons or property by reason of his failing to comply with the provisions of this section.

§ 155. SUITS FOR RECOVERY OF FINES OR PENALTIES UNDER ACT, HOW BROUGHT—APPLICATION OF FINES.] All suits for the recovery of any fine or penalty under this Act, including as well such offenses as may be committed upon or in relation to State aid roads as upon other roads, shall be brought in the name of the town or district in which the offense is committed, before any justice of the peace within the county, who shall have jurisdiction in such cases, to the extent of their jurisdiction in other cases, or before any other court of competent jurisdiction: *Provided*, that all suits or fines and penalties, incurred under this Act, on town or district and county line roads, shall be brought in the name of the town or district to which that part of the road shall have been allotted, before any justice of the peace who shall have jurisdiction in such cases to the extent of their jurisdiction in other cases or before any other court of competent jurisdiction; and it shall be the duty of the State Highway Commission, State Highway Engineer, county superintendent of highways and commissioners of highways to seasonably prosecute for all fines and penalties under this Act; but in case of failure of said officers to so prosecute, complaint may be made by any person: *Provided*, said person shall before bringing suit in the name of the town or district, give bond for costs, as is provided for in case of a non-resident. But whenever any person shall enter complaint to any of said highway officials, it shall be the duty of such highway official to at once proceed to investigate as to the reason of such complaint, and if such complaint is found to be just, he shall at once proceed to prosecution.

§ 156. FINES—HOW DISPOSED OF.] All fines and penalties recovered under the provisions of this Act for offenses committed upon or in relation to State aid roads, shall, unless otherwise provided, be paid over to the county treasurer, and by him transmitted to the State Treasurer to become a part of the State road and bridge fund. All fines and penalties recovered under the provisions of this Act for offenses committed upon or in relation to all other roads shall, unless otherwise provided, be paid over to the treasurer of the road and bridge fund of the town or district where the offense is committed to be expended upon the roads and bridges in said district or town. The judgment or docket entry of the court or justice imposing a fine or penalty for violation of this Act as aforesaid, shall in each instance specify whether such offense was committed upon or in relation to a State aid road or a road other than a State aid road.

§ 157. RESTRICTION—JURISDICTION.] Nothing contained in this Act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities of this State, nor interfere with nor affect the laws or ordinances of any such city for the licensing or regulating such coaches or carriages. Justices of the peace shall have jurisdiction of all cases arising under this Act, where the penalty does not exceed their jurisdiction.

ARTICLE IX.

OPTIONAL—SINGLE HIGHWAY COMMISSIONER SYSTEM PROVIDED FOR.

§ 158. PROVISIONS OPTIONAL.] The provisions of this article shall become effective in any township or road district in this State upon the adoption of the same by the legal voters of such township or road district as hereinafter provided and not otherwise.

§ 159. PETITIONS FOR ADOPTION—ELECTION.] At any time following the passage and approval of this Act, on petition of not less than twenty-five of the legal voters of any township or road district, the town or district clerk thereof shall, within thirty days thereafter, call a special election at which there shall be submitted to the voters of such town or road district the question of having a single highway commissioner in such township or road district: *Provided, however*, that no such election shall be held within the period of thirty days next preceding any annual town or road district election, and elections for the purposes specified in this section shall not be held oftener than once in three years: *And, provided, further*, that in all counties not under township organization which are now operating under the optional Act entitled, "An Act in regard to roads and bridges in counties not under township organization, and to provide for the adoption of the same," approved May 10, 1901, no special election shall be held for the purposes provided in this section until the division of such counties into road districts as provided in section 41 of this Act.

§ 160. NOTICE OF ELECTION.] Upon the filing of a petition for an election to change from the three highway commissioner system to the single highway commissioner system, as provided in the preceding section, the town or district clerk shall post notices of the time and place of holding such special election in at least three of the most public places in said town or road district, which notices shall be posted at least fifteen days prior to the time of holding such election.

§ 161. BALLOTS—CONDUCT OF SPECIAL ELECTION.] The ballots to be used at said election shall contain the following form: "For Single Highway Commissioner System;" "Against Single Highway Commissioner System." The special election held pursuant to the provisions of this article shall be conducted in the same manner and subject to the same laws and regulations as are prescribed for other elections held pursuant to the provisions of this Act.

§ 162. RESULT OF ELECTION.] If a majority of the legal voters voting at said special election shall vote in favor of the proposition, "For Single Highway Commissioner System," then and thereafter and until said vote shall be reversed in the manner hereinafter provided the provisions of this article shall be effective in such township or road district, and in said township or road district there shall be but one highway commissioner to be elected as hereinafter provided.

§ 163. ELECTION OF COMMISSIONER—TENURE OF OFFICE.] At the next annual town meeting or road district election held next after the adoption of the provisions of this article by any town or road district in this State, there shall be elected a single highway commissioner for such town or district, who shall hold his office for three years and until his successor is elected and qualified. And thereafter there shall be elected

every three years a highway commissioner as the successor of the highway commissioner whose term of office shall expire. The official term of any highway commissioner holding office at the time of the adoption of this article by any town or road district shall expire upon the qualification of the single highway commissioner elected at said next ensuing annual town meeting or road district election.

§ 164. PROVISIONS SPECIALLY APPLICABLE TO—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—(A) CLERK.] In any road district in a county not under township organization adopting the provisions of this article, the district clerk shall be elected at the same time as the highway commission [er]. The official term of any such clerk holding office at the time of the adoption of this article by any town or road district shall expire upon the qualification of the district clerk elected at said next ensuing annual road district election.

(B) CONDUCT OF ELECTIONS.] In all road districts in counties not under township organization having adopted the provisions of this article, the regular election for commissioner of highways and district clerk shall be held on the first Tuesday in April every three years at the place designated by the commissioner of highways. The commissioner of highways and two other persons to be named by the county board for each road district of the county operating under this article shall act as judges of election, and the district clerk shall be *ex officio* clerk of all district elections, but before entering upon the discharge of their duties they shall take the oath of office prescribed by the general election laws of the State. In the absence of any of the above named officers the vacancy shall be filled by appointment by the commissioner, or in his absence by the district clerk, and in case both the commissioner and the district clerk are absent, the electors present shall appoint such officers.

§ 165. (A) POWERS, DUTIES AND COMPENSATION OF HIGHWAY COMMISSIONER.] In any town or road district which shall adopt the provisions of this article all the powers and duties hereinbefore vested in the board of highway commissioners and the members thereof, shall thereafter be fully enjoyed, exercised and employed by the single highway commissioner provided for in this article, and all the preceding provisions of this Act, in so far as compatible with the provisions of this article, shall remain and be in full force and effect.

(B) COMPENSATION.] In any town or road district adopting the provisions of this article, the single highway commissioner herein provided for shall receive for each and every day he is necessarily employed in the discharge of his duties a salary to be fixed by the county board in counties not under township organization and by the board of town auditors in counties under township organization not to exceed in counties of the first class three dollars and fifty cents (\$3.50) per day, in counties of the second class four dollars (\$4.00) per day, and in counties of the third class five dollars (\$5.00) per day, upon a sworn statement to be filed by such commissioner in the office of the town or district clerk, showing the number of days he was employed and the kind of employment, and giving the dates thereof.

§ 166. WITHDRAWAL FROM PROVISIONS OF THIS ARTICLE.] Any town or road district having adopted the provisions of this article may

withdraw from the provisions thereof and elect to come under the general provisions of this Act whereby three highway commissioners are provided for in each town or road district. Such withdrawal from the provisions of this article shall be by the vote of the legal voters of such town or district, and provisions therefor may be inaugurated by petition to the town or district clerk, in the manner provided in section 161 of this Act. Upon the filing of such petition a special election therefor shall be called, and conducted, and the result thereof declared as provided in sections 161, 162 and 164 of this Act: *Provided*, that no such special election shall be held within the period of thirty days preceding the second Tuesday in April in any year. At said special election the proposition petitioned for and submitted to the voters shall be as follows: "For continuing single Highway Commissioner System" and "Against continuing [single] Highway Commissioner system." A majority of all the voters voting at such election shall be required to withdraw such town or road district from the provisions of this article, and after any town or district has voted to withdraw from the provisions of this article, no special election shall be called to return to the provisions of this said article for a period of at least three years.

§ 167. ELECTION OF OFFICERS UPON WITHDRAWAL FROM THIS ARTICLE.] In case any town or road district having adopted the provisions of this article shall elect to withdraw therefrom and come under the three commissioner system as provided in the preceding section of this Act, the town or district clerk shall give notice, in the manner hereinbefore provided that at the next annual town meeting in counties under township organization, or at an election to be held on the first Tuesday in April then next ensuing in counties not under township organization, there will be elected three highway commissioners for such town or road district. Of the three commissioners elected at the election held pursuant to such notice, one shall hold his office for three years, one for two years and the third for one year, to be determined between them by lot before entering upon the duties of their office. Upon the election and qualification of the members of such board of highway commissioners the unexpired portion of the term of any single highway commissioner who may be in office by virtue of the preceding provisions of this article shall thereby be terminated.

In all road districts in counties not under township organization electing to withdraw from the provisions of this article, as aforesaid, a district clerk shall also be elected at the time and place of holding the election of the three highway commissioners as aforesaid, and the unexpired portion of the term of any district clerk then in office shall terminate upon the qualifications of the clerk elected at such election.

ARTICLE X.

ACT CONSTRUED—STATUTES REPEALED.

§ 168. PART INVALID.] The invalidity of any portion of this Act shall not affect the validity of any portion thereof which can be given effect without such invalid part.

§ 169. CERTAIN ACTS REPEALED.] The following Acts and parts of Acts are hereby repealed:

"An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883: *Provided, however*, that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

"An Act to provide for the organization of road districts, the election and duties of the officials therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named," approved May 4, 1887: *Provided, however*, that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

"An Act in regard to roads and bridges in counties not under township organization and to provide for the adoption of the same," approved May 10, 1901: *Provided, however*, that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

"An Act requiring the destruction of cockle burrs, weeds or plants," approved May 31, 1879.

"An Act to amend sections one (1) and two (2) of an Act entitled 'An Act requiring the destruction of cockle burrs, weeds or plants,' approved May 31, 1879, and by adding thereto sections three (3), four (4) and five (5)," approved June 2, 1895.

"An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883.

"An Act to protect persons and property from danger from steam engines on public highways," approved June 26, 1885.

"An Act to enable commissioners of highways to condemn lands under the right of eminent domain for the purpose of procuring rock, gravel or other material for building or repairing public roads," approved June 21, 1895.

"An Act authorizing the highway commissioners of any township to construct sidewalks in unincorporated villages," approved June 21, 1895.

"An Act concerning travel upon public highways," approved June 21, 1895.

"An Act to regulate the construction of bridges and culverts," approved April 21, 1899.

"An Act to provide for appointment of a good roads commission and to make an appropriation therefor," approved May 15, 1903.

"An Act entitled 'An Act to enable commissioners of highways in counties not under township organization to straighten water courses in the construction of public roads,'" approved May 16, 1905.

"An Act authorizing the commissioners of highways in any township in counties under township organization and the commissioners of highways or boards of county commissioners in counties not under town-

ship organization, to maintain earth roads with a drag and to contract for the use of the same and provide penalty for injury to work so done," approved May 31, 1907.

"An Act making it the duty of counties under township organization and towns in counties under township organization to build, construct and maintain approaches to bridges located on or near town and county lines," approved June 4, 1907.

"An Act to protect turnpike and gravel or macadam roads and to provide a penalty for its violation," approved June 5, 1911.

"An Act to authorize counties changing from township organization to county organization to assess a poll tax, road labor and road tax at any meeting of the county commissioners during the first year after such change," approved May 28, 1879.

"An Act in regard to itinerant camping on public highways," approved April 21, 1899.

"An Act to establish a State Highway Commission defining the duties thereof and to make an appropriation for experimental purposes," approved May 18, 1905.

"Section 16 of an Act entitled, 'An Act to revise the law in relation to township organization,'" approved March 4, 1874, and as amended by an Act approved May 10, 1901.

"An Act to provide for the election of the commissioners of highways in counties under township organization, and to legalize the election and official acts of such as were elected in the years 1874 and 1875, and to fix the compensation of the treasurers of such commissioners," approved April 15, 1875.

APPROVED June 27, 1913.

SAFETY APPLIANCES

AN ACT to amend sections 1, 3 and 4 of an Act entitled, "An Act providing for the inspection of equipment and operation of safety appliances on railroads engaged in moving traffic between points in the State of Illinois." [Approved May 12, 1905; in force July 1, 1905.]

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That three inspectors of automatic couplers, power brakes and grabirons or handholds on railroad locomotives, tenders, cars and similar vehicles, shall be appointed by the Railroad and Warehouse Commissioners, within thirty days after this [Act] goes into effect, who shall hold office two years, unless sooner removed for cause, and until their successors are appointed and qualified. At any time a vacancy occurs in this office, the Railroad and Warehouse Commissioners shall immediately fill the vacancy by appointment.*

No person is eligible to hold this office who is an officer or an employee of a railroad company, or owns or is interested, directly or indirectly, in the stocks or bonds of any railroad company or who has not had at least seven years of practical experience on some line of rail-

road operated in the State of Illinois in one or more of the following capacities: Engineer, fireman, conductor, yardmaster, brakeman, train baggageman, switchman, car inspector or car repairer.

§ 3. Said *inspectors shall have the right of passing in the performance of their respective duties, over all railroads and upon all railroad trains in this State, and over, upon or in all instrumentalities used by any common carrier in the transportation of persons or property between points wholly within the State of Illinois.* Each inspector shall be paid a salary of fifteen hundred dollars (\$1,500) per year and necessary expenses, which shall be paid in the manner now provided by law for the salaries and expenses of the Railroad and Warehouse Commissioners. Said *inspectors shall have their offices in the State House, in the office of the Railroad and Warehouse Commissioners, and shall be under the supervision of said commissioners.*

§ 4. It shall be the duty of the said *inspectors to inspect the surface and track conditions of train yards, sanitary condition of cars used in transporting persons between points in Illinois, and investigate train accidents resulting in injury to persons or property.* Said *inspectors shall inspect the couplers, power brakes, and grabirons or hand-holds and other portions of cars and engines used by persons on the railroads engaged in moving traffic between points in Illinois, and shall make weekly reports of his [their] inspections, reporting all conditions to the Railroad and Warehouse Commission.*

APPROVED June 26, 1913.

SEMI-MONTHLY PAYMENT OF WAGES AND SALARIES BY CORPORATIONS FOR PECUNIARY PROFIT

AN ACT *in relation to the semi-monthly payment of wages and salaries by corporations for pecuniary profit, and providing penalty for violation of same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every corporation for pecuniary profit engaged in any enterprise or business within the State of Illinois, shall as often as semi-monthly pay to every employee engaged in its business all wages or salaries earned by such employee to a day not more than eighteen (18) days prior to the date of such payment. Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or discharged therefrom, shall be paid in full following his or her dismissal or voluntary leaving his or her employment, at any time upon three days' demand. No corporation coming within the meaning of this Act, shall by special contract with employees or by any other means secure exemption from the provision of this Act. And each and every employee of any corporation coming within the meaning of this Act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction of this State.

§ 2. Any corporation coming within the meaning of this Act violating section one (1) of this Act, shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100) for each separate offense and each and every failure or refusal to pay each employee the amount of wages due him or her at the time, or under the conditions required in section 1 of this Act, shall constitute a separate offense.

APPROVED June 21, 1913.

SHOT FIRERS IN MINES—"DEAD HOLE" DEFINED

AN ACT to amend sections 2 and 7 of an Act entitled, "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905, as amended by Act approved May 20, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2 and 7 of an Act entitled, "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905, as amended by Act approved May 20, 1907, in force July 1, 1907, be and the same are hereby amended so as to read as follows:

§ 2. In all mines in this State where coal is blasted, and where more than two pounds of powder is used for any one blast; and, also, in all mines in this State where gas is generated in dangerous quantities, a sufficient number of practical, experienced *miners*, to be designated as shot firers, shall be employed by the company, and at its expense, whose duty it shall be to inspect and do all the firing of all blasts, prepared in a practical, workmanlike manner in said mine or mines.

§ 7. No person or persons shall order, command or induce by threat or otherwise, any shot firer to fire any unlawful shot, or any shot which in his judgment, after due inspection, shall not be a workmanlike, proper and practical shot.

No person shall drill or shoot a dead hole as hereinafter defined. A "dead hole" is a hole where the width of the shot at the point measured at right angles to the line of the hole is so great that the heel is not of sufficient strength to at least balance the resistance at the point. The heel means that part of the shot which lies outside of the powder.

APPROVED June 27, 1913.

TEACHERS' PENSION FUND IN DISTRICTS UNDER SPECIAL ACTS

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| § 1. Teachers' pension fund in district of 10,000 to 100,000 under special Acts. | § 5. Who entitled to benefits—classifications—contributions. |
| § 2. Board of management. | § 6. Contributors—beneficiaries. |
| § 3. What fund consists of. | § 7. Resolution declaring maturity of service, etc. |
| 4. Control of funds—investments. | § 8. Annuities and pensions. |

TEACHERS' PENSION FUND—*Concluded.*

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| § 9. Deductions certified to treasurer—special fund—warrants. § 10. Custodian of fund—bond—refund to teachers not re-employed or retiring. § 11. All teachers become contributors. § 12. Exemption from attachment or garnishment. § 13. Interest added to fund. | § 14. Establishment of fund by majority vote. § 15. Validation of former Acts. § 16. Applicable to districts created by special charter. § 17. Term "teachers" defined. § 18. Continuance under general law. |
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(SENATE BILL NO. 89. APPROVED JUNE 27, 1913.)

AN ACT *to enable any board of school inspectors, or any body or board of officials, which governs, or has charge of the affairs of any school district having a population of not fewer than 10,000 and not more than 100,000 inhabitants, and governed by special Acts of the General Assembly of this State and in such other districts as may hereafter be ascertained by any special or general census to have such population and which school districts are also governed by like special Acts, to establish and maintain a teachers' pension and retirement fund.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all school districts, having a population of not fewer than 10,000, and not more than 100,000 inhabitants organized under and governed by special Acts of the General Assembly of this State and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than ten thousand nor more than one hundred thousand and which may also be governed by any such special Acts, the board of school inspectors, of every such district, or the body or board of officials which governs, or has charge of, the affairs of any such school district, may establish and maintain in and for said district a teachers' pension and retirement fund.

§ 2. Said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district wherein the provisions of this Act may be made operative, shall cause to be elected a board of management for the purpose of carrying out the provisions of this Act. Said board of management shall consist of either three or nine members, as said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district shall determine. Two-thirds of the membership of said board of management shall consist of members of the active teaching force of said district, who are contributors to said pension and retirement fund and they shall be elected by the members of said active teaching force of said district who are contributors to said pension and retirement fund, in such manner and for such terms as said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district shall by resolution determine. One-third of the membership of said board of management shall consist of members of the said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district. Such representa-

tive shall be selected by such board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district for such terms as said board may by resolutions determine.

§ 3. The teachers' pension and retirement fund shall consist of moneys contributed by teachers under the provisions of this Act; also of moneys received from donations, legacies, gifts, bequests and otherwise, and of moneys paid into said fund in pursuance of any law now in force or hereafter enacted.

§ 4. The board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district, shall have charge of such funds and shall invest the same at interest. The rate of interest, which shall not be less than four per cent nor more than seven per cent, per annum, payable annually, shall be determined by a majority of the said board of school inspectors, or the body or board of officials which governs, or has charge of the affairs of any such school district, at any regular or special meeting. No loan shall be made for less than one year nor more than five years. All loans shall be secured by mortgage on unencumbered realty situated in this State, worth at least fifty per cent more than the amount loaned, with a condition that in case additional security shall be required at any time it shall be given to the satisfaction of the board of school inspectors or body or board of officials. In estimating the value of realty mortgaged to secure the payment of money loaned, the value of improvements liable to be destroyed may be included; but in such case the improvements shall be insured for their insurable value in a responsible insurance company or companies, and the policy or policies shall be transferred to the board of school inspectors or body or board of officials as additional security and shall be kept so insured until the loan is paid. Nothing herein shall prevent the investing of the principal of the said fund in bonds issued by the State, the Sanitary District of Chicago, counties, townships and cities in this State and in bonds of such school district when the same have been issued for the purpose of building or repairing school houses, in such district, or purchasing and improving school sites, when the issuance of such bonds has been authorized by the majority of the votes cast at an election held for that purpose. Said board of school inspectors, or body or board of officials, shall have the power to make payments from such fund of pensions and annuities granted in pursuance of this Act.

§ 5. Any person who shall be employed to teach in the public schools of the district where the provisions hereof may be in force after this Act shall take effect, shall be entitled to the benefits of the said fund upon complying with the provisions of this Act, and for the purpose of this Act, such persons shall be divided into the following classes:

First—Those who have taught five years or fewer than five years in the public schools.

Second—Those who have taught more than five years and not more than ten years.

Third—Those who have taught more than ten years and not more than fifteen years.

Fourth—Those who have taught more than fifteen years.

After this Act shall take effect, there shall be set apart from the salaries of each teacher in the employ of the board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district \$5 per annum while they remain in the first class; \$10 per annum while they remain in the second class; \$15 per annum while they remain in the third; and \$30 per annum while they remain in the fourth class, which amounts shall be deducted by the board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district, in equal installments from their respective salaries at the regular times for the payment thereof, and be paid into and constitute a part of the said teachers' pension and retirement fund of the district.

§ 6. Teachers who become contributors to, and beneficiaries of, the said pension and retirement fund, under provisions of this Act, may count past services as a part of the period of twenty-five years hereinafter specified, by paying into the fund a sum equal to that which he or she would have contributed under the provisions of this Act, had he or she been a regular contributor to said fund, during said period of past service, together with interest thereon at the rate of four per cent per annum from the time such payments would have been made had such person during such time been a contributor to such fund, to the time such person shall by making such payment become entitled to the benefits and credit of such past service.

§ 7. The board of management shall adopt a resolution declaring and fixing the maturity of service and the right to immediate benefits of the fund, in favor of the persons entitled to the benefits thereof in the following cases:

First—When any person shall have taught in the public schools for a period of twenty-five years within the meaning of this Act.

Second—When any contributor to the fund shall have taught fifteen years in public schools, within the meaning of this Act, and shall have been declared by three competent physicians who have made a physical examination of the teacher, at the request of the board of management, to be suffering from a permanent disability: *Provided, however,* that the board of management shall not declare any contributor entitled to the immediate benefits of the fund until he or she shall have taught in the public schools of the district three-fifths of the term of service of 25 or 15 years, as the case may be: *And, provided, further,* that no person shall be entitled to the benefits of the fund until he or she shall have retired from service as a teacher.

§ 8. Each teacher so retired or retiring after twenty-five years of service shall be entitled thereafter to receive from said fund an annuity not to exceed \$400, and each teacher so retired, because of permanent disability, after 15 years of service shall receive from said fund as an annual pension such proportion of the full annuity of \$400 as the sum contributed by such teacher so retired bears to the total contributions required for a full annuity. Pensions and annuities shall be paid monthly during the school year out of the said fund created in accordance with the provisions of this Act, in the manner and at the times provided by law for the payment of the salaries of teachers.

§ 9. The president and secretary of the board of school inspectors or the body or board of officials, which governs or has charge of the affairs of any such school district, shall certify monthly to the treasurer of such fund all amounts deducted from the salaries of teachers, special teachers, principals and superintendents in accordance with the provisions of this Act, which amounts together with all other moneys contributed to the fund, shall be set apart and held by the treasurer of the district as a special fund for the purposes herein specified, and shall be paid out on recommendation of the board of management upon warrants signed by the president and secretary of the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district.

§ 10. The treasurer of the district or of the board of school inspectors or body or board of officials, which governs or has charge of the affairs of any such school district, shall be *ex officio* the custodian of the pension and retirement fund, and shall hold the same subject to the control and direction of the board of school inspectors, or body or board of officials, which governs or has charge of the affairs of any such school district in accordance with the provisions of this Act. The said treasurer shall keep his books and accounts concerning such fund in the manner prescribed by the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district and his books and accounts shall be subject to the inspection of the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district, or any member thereof or the board of management or any member thereof. The treasurer shall be liable on his official bond for the proper performance of his duties and the conservation of the fund created by this Act, and such treasurers' bonds in all districts where this Act may be in force shall be so conditioned as to cover the liability for such fund. Any legal proceedings which may be necessary for the enforcement of the provisions of this Act shall be brought by and in the name of the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district, for the use of the pension and retirement fund.

If at any time a teacher who is willing to continue as a teacher in the schools of said district is not re-employed as such or is discharged as such before the time at which he or she would be entitled to a pension under the provisions of this Act, then to such teacher shall be refunded the money he or she may have contributed to said fund. Any teacher who shall retire voluntarily from the service of said district prior to entering the fourth class above defined shall receive a refund of one-half the money he or she shall have theretofore contributed to such fund.

§ 11. All persons who shall be employed as teachers by the board of school inspectors, or the body or board of officials which governs, or has charge of the affairs of any such school district, shall accept the provisions of this Act by such accepting or continuing in such employment; and thereupon become liable as contributors to the pension and retirement fund in accordance with the terms thereof. And the provisions of this Act shall become a part of and enter into any such contract of em-

ployment as fully as though the same were specifically set forth in said contract of employment.

§ 12. All pensions, or annuities, granted under the provisions of this Act and every portion thereof, shall be exempt from attachment or garnishment process and shall not be seized, taken, subjected to, detained or levied upon by virtue of any execution, or any process or proceedings whatsoever issued out of or by any court for the payment or satisfaction in whole or in part of any debt, claim, damage, demand or judgment against any pensioner or annuitant hereunder, and no annuitant or pensioner shall have the right to transfer or assign his or her pension or annuity or any part thereof either by way or mortgage or otherwise.

§ 13. The said treasurer shall not be entitled to retain any interest accruing from any pension and retirement fund, but all such interest earned thereon shall be covered into such fund, become a part thereof, and be subject to the purposes of this Act. The treasurer shall also set aside annually and place in such fund all interest accruing from the district funds of the district (whether levied for educational or building purposes) and as well all interest earned by money coming from the investment of the proceeds of the sales of any school lands of said district.

§ 14. If any school district where there is not sufficient revenue from interest and contributions to maintain a teachers' pension fund under the foregoing provisions hereof, such school district may, by a majority vote of its electors at an election for such purpose, establish a fund for the retirement of teachers who are over fifty years old, and who have faithfully served such district for twenty-five years. The fund shall be derived from such revenues as may lawfully be devoted to the said purpose by the directors of a district, or by direct appropriation by a town. The amount of the annual pension allowed to any person under the provisions of this section, shall not exceed one-half the annual compensation received by such person at the time of the retirement of such person, in no case, however, shall the same exceed four hundred dollars (\$400) per annum.

§ 15. If the board of school inspectors, or governing board of any such school district that may be within the terms of this Act, heretofore and subsequent to July 1, 1911, sought to establish and maintain a teachers' pension and retirement fund, without legal authority so to do, all Acts done with reference thereto are hereby validated, and shall be given the same force and effect in law and equity, as if they had been done under this Act.

§ 16. The provisions of this Act shall apply to the Board of School Inspectors of the city of Peoria, and to all other boards of directors, boards of education and boards of school inspectors, in districts within the limits of population above fixed, that exist under and by virtue of any special school charter heretofore granted to any such district by the said State of Illinois.

§ 17. The word "teachers" shall be held to include all teachers, superintendents, assistant teachers and school principals, who may be employed in the public schools of a district.

§ 18. If any school district organized under any special Act of the General Assembly shall create a teacher's pension and retirement fund,

under the provisions of this Act, and shall thereafter cease to exist under such special Act, and shall operate under the general school laws, then in such event, the said fund shall be continued, maintained and administered under such general law by the proper officers of said district, and all persons holding any part of said fund or records relating to it, shall deliver the same to the proper officers of said new, or reorganized school district; and all the rights of all persons in and to said fund, shall be continued, and as well all the liabilities of all persons toward such fund shall continue as fully as though such original school district had been operating under the general school laws, rather than a special Act or charter, at the time such fund was created.

APPROVED June 27, 1913.

WAGE LOAN CORPORATIONS—INCORPORATION

AN ACT to provide for the incorporation, management and regulation of wage loan corporations and to allow the loaning of money by such corporations secured by assignment of wages, and limiting the rate of compensation to be paid.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That corporations may be organized under and by virtue of this Act in the same manner as corporations for pecuniary profit under and by virtue of "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended, except as otherwise herein provided.

§ 2. Corporations with a capital of not less than \$25,000 may be organized under the provisions of this Act in all cities for the purpose of loaning money on wage assignments, but in no case shall the amount loaned to any one person exceed the sum of \$250.00.

§ 3. Corporations organized under this Act shall be authorized to borrow money, not exceeding in the aggregate the amount of the capital stock: *Provided, however,* no such corporation shall have any banking power, whether of issue, deposit or discount, and shall not receive deposits of money nor loan money except as provided in this Act.

§ 4. Such corporations may loan money and take and hold as security for the payment of the same an assignment of the wages of the borrower, and may charge and collect not to exceed three (3) per cent per month as interest or compensation for the use of such money. Besides the interest charge hereinbefore specified, no further or other charges for any services, or upon any pretext whatsoever by deductions in advance or otherwise, shall be asked, charged or in any way received, where the same would in any way operate to make a greater charge for the use of the money loaned than the aforesaid rate; and where made, any such additional charges shall be taken and held to be so much added interest.

§ 5. No contract of any kind or nature made under the provisions set forth in this Act, or in any way involving any security given to secure the performance of such a contract, shall be valid or of any force, virtue or effect, either at law or in equity, and all right or claim to or

involving principal, interest and security, shall be absolutely forfeited, if there is therein or thereon directly or indirectly charged, accepted or contracted to be paid or received, either in money, goods, discount or thing in action, or in any other way, a greater benefit, compensation, rate of discount or interest, or fee than the rate specified in section 4 hereof; and if a greater benefit, compensation, rate of discount or interest is directly advanced or paid upon any such contract made as aforesaid by such corporation, the excess above the said rate specified in section 4 hereof so advanced or paid, may be demanded and recovered by the person who advanced or paid the same, his legal representatives or assigns, from the person or corporation, or their surety or sureties, either to whom or for whose use or benefit such payment or advance or any part thereof was made.

§ 6. All notes, the payment of which is secured by wage assignments shall state upon their face that they are so secured, and when assigned by the payee therein named, shall be subject to all defenses, existing between the payee and the payor of said notes the same as if said notes were held by the payee therein named, and any wage assignment securing notes which do not state upon their face to the fact of such security shall be absolutely void.

§ 7. The said corporation shall keep a correct account of all money loaned, the date of maturity of each loan, the rate charged, and the name and address of the borrower; and shall give to each borrower a true, legible and complete copy of each and every paper signed by him in connection with the loan, together with a statement of all charges made for said loan, the date of the note or other paper evidencing the loan and the date of its maturity. A receipt, plainly showing the amount paid by the borrower and the date of payment shall be given him whenever he makes any payment of principal or interest on his loan.

§ 8. No corporation organized under this Act shall enter upon or carry on the business of loaning money upon wage assignments until it shall have filed in the office of the county clerk of the county in which it is carrying on such business, or has its principal office, a bond in the penal sum of \$5,000, executed by such corporation, as principal and with surety or sureties approved by the county judge of such county; which bond shall run to the People of the State of Illinois for the use of any person or persons who may have cause of action against the obligor of said bond under the provisions of this Act, and shall be conditioned that the said obligor will conform to and abide by each and every provision of this Act and will pay to any such person or persons having a cause of action any and all moneys that would be due such person or persons from the said obligor under and by virtue of the provisions of this Act. Such bond shall be renewed every two years or oftener, whenever on a proper showing being made the same, in the opinion of the county judge, shall appear to be insecure or otherwise doubtful, and upon failure of the obligor in such bond to comply with the order of such county judge relative to the renewal of such bond, such corporation shall within thirty (30) days after the entry of such order discontinue the carrying on of business under this Act. Any wilful violation of this Act by any corporation organized under it, by

which any person shall suffer or sustain loss or damage shall forfeit its right to do business, and the Attorney General of the State shall take the necessary legal measures to wind up and discontinue its business. Any director, officer or employee of any corporation organized under this Act, who shall charge, take or collect or receive compensation or interest on a loan beyond or in excess of the charges herein fixed, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not to exceed one hundred dollars (\$100), or be imprisoned in the county jail for not more than six (6) months, or both, for each offense.

§ 9. No corporation organized under this Act shall do business in any other county than the one in which its principal office is located.

§ 10. Any corporation organized under this Act may out of the profits realized out of its business, declare and pay to its stockholders an annual dividend of not to exceed six per cent (6) on its capital stock.

§ 11. The Governor of this State and the mayor of the city in which the principal office of said corporation shall be located shall each appoint one director, who shall not be a stockholder or employee of such corporation, whose term of office shall be two (2) years, unless sooner removed by the Governor or mayor who made the appointment, and said directors shall have the same power and authority as the other directors of the corporation. The number of directors of any such corporation shall not exceed nine.

§ 12. The president and directors of every corporation organized under this Act shall, annually in the month of January, file with the Auditor of Public Accounts of the State a full report of the business of the corporation for the previous year, expiring December 31, and shall give the names and the amount of shares of capital stock held by each stockholder of the corporation on the said date, which said statement shall be verified by the president and attested by the secretary. The Auditor of Public Accounts shall exercise all powers of examination and supervision of any corporation organized under this Act which he now exercises over trust companies under the Act for regulating the administration of trusts by trust companies, approved June 15, 1887, in force July 1, 1887, and the fees prescribed to be paid by said Act shall apply to any corporation organized under this Act.

§ 13. Directors appointed by the Governor and the mayor shall, under oath, report to the Governor of the State any violations of any one of the provisions of this Act by the said corporations, or any of its officers or employees.

APPROVED June 20, 1913.

WASH ROOMS IN CERTAIN EMPLOYMENTS

AN ACT to provide for wash rooms in certain employments to protect the health of employees and secure public comfort.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every owner or operator of a coal mine, steel mill, foundry, machine shop, or other like business in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving

their work without washing and cleansing their bodies and changing their clothing, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary wash room at a convenient place in or adjacent to such mine, mill, foundry, shop or other place of employment for the use of such employees.

§ 2. Such wash room shall be so arranged that employees may change their clothing therein, and shall be sufficient for the number of employees engaged regularly in such employment; shall be provided with lockers in which employees may keep their clothing; shall be provided with hot and cold water and with sufficient and suitable places and means for using the same; and during cold weather, shall be sufficiently heated.

§ 3. It shall be the duty of the State and county mine inspectors, factory inspectors and other inspectors required to inspect places and kinds of business required by this Act to be provided with wash rooms, to inspect such wash rooms and report to the owner or operator, the sanitary and physical condition thereof in writing, and make recommendations as to such improvements or changes as may appear to be necessary for compliance with the provisions of this Act.

§ 4. Any owner or employer who shall fail or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars.

§ 5. Any owner or employer who shall be convicted of a violation of the provisions of this Act shall be subject to a conviction for succeeding offenses for each and every day he shall neglect or refuse to comply herewith.

APPROVED June 26, 1913.

WOMAN'S SUFFRAGE LAW OF 1913

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| <p>§ 1. What officers and propositions in State, cities, villages and towns.</p> <p>§ 2. What township officers, etc.</p> | <p>§ 3. Separate ballot boxes and ballots—canvass—registration.</p> |
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(SENATE BILL 63. APPROVED JUNE 26, 1913.)

AN ACT granting women the right to vote for presidential electors and certain other officers, and to participate and vote in certain matters and elections.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all women, citizens of the United States, above the age of 21 years, having resided in the State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, shall be allowed to vote at such election for presidential electors, member of the State Board of Equalization, clerk of the Appellate Court, county collector, county surveyor, members of board of assessors, members of board of review,

sanitary district trustees, and for all officers of cities, villages and towns (except police magistrates), and upon all questions or propositions submitted to a vote of the electors of such municipalities or other political divisions of this State.

§ 2. All such women may also vote for the following township officers: supervisors, town clerk, assessor, collector and highway commissioner, and may also participate and vote in all annual and special town meetings in the township in which such election district shall be.

§ 3. Separate ballot boxes and ballots shall be provided for women which ballots shall contain the names of the candidates for such offices which are to be voted for and the special questions submitted as aforesaid, and the ballots cast by women shall be canvassed with the other ballots cast for such officers and on such questions. At any such election where registration is required, women shall register in the same manner as male voters.

APPROVED June 26, 1913.





